THE HISTORY

Of the most Remarkable

TRYALS

IN

Great Britain and *Ireland*,

IN

CAPITAL CASES;

VIZ.

HERESY,	RAPES,
TREASON,	SODOMY,
FELONY,	WITCHCRAFT,
INCEST,	PYRACY,
POISONING,	MURDER,
ADULTERY,	ROBBERY, *&c.*

Both by the unusual Methods of ORDEAL, COMBAT, and ATTAINDER; and by the *Ecclesiastical*, *Civil*, and *Common Laws* of these REALMS.

Faithfully extracted from *Records*, and other *Authentick Authorities*, as well Manuscript as Printed.

In two VOLUMES.

The SECOND EDITION.

LONDON,

Printed for J. PEMBERTON, at the *Golden-Buck* in *Fleet-street*. M.DCC.XXV.

Price Six Shillings.

THE

PREFACE.



THE Depravedneſs of Human Nature broke out ſo early, and was ſo great and univerſal, hat Men ſoon found they were nder a neceſſity of coaleſcing in- o Societies, and binding them- elves to the Obſervance of Laws, n order to prevent the total De- truction, which a State of Nature nuſt inavoidably have brought hem to. And theſe Laws were of ifferent Sorts; ſome impoſing Ca- ital, others Corporal Puniſhments, nd ſome again pecuniary Mulcts nly, upon the Violator of them.

A And

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And as new Crimes and Offences were committed, so new Laws were enacted, of which the Histories and Publick Acts of all Countries bear abundant Testimony. The *Romans* had no Law against *Parricide*, for Five Hundred Years together, because they could not think any one so wicked as to kill his Parents; *L. Ostius* being the first that slew his Father, even after the time of *Hannibal*, which occasion'd the *Pompeian Law.*

But 'tis not my Intention to launch out either into a Disquisition of Laws in general, or of the Laws of different Ages and Nations, but I shall confine myself only to those of our own Country, not under the several Denominations of them, but to such as are purely Capital; and even here solely to the History of the most Remarkable Tryals of such Persons as have either been violently suspected or positively accused

ruſed, as Guilty of the Breach of hem; and I have gone ſo far back s there any Hiſtories or Records extant to direct me.

I am not unapprized that ſome may object againſt the very Title f this Book, or at leaſt ſome Part f it, and ſay that *Ordeal* by Fire, Water or Combat, imply'd the unishment of the Crime, and not Form of Tryal to find out the Guilt or Innocence of the Perſon ccuſed: I anſwer, it was indeed uite otherwiſe; for theſe ſorts of Tryals were not invented for the unishment, but Indagation of the Guilty; for when this was over, he Convicted Perſon was hurry'd o his Puniſhment, as being now ound manifeſtly Guilty of the Crime laid to his Charge, and for which he was try'd by Fire or Wa-er as aforeſaid.

I would not have it underſtood, s if the Author's Intention had een to make a Collection of Try-

als only: It was partly so, but the to render the Work the more a greeable, he has made it as Hi storical as possible, and endeavour to shew the Causes which lead t such Tryals, and the Consequence that attended them, with the Va riations which from time to tim happened in the Constitution o our Government, to which no *Bri ton* ought wholly to be a Stranger and by which it will very mani festly appear, how much 'tis mend ed, and that the Lives and Li berties of the People are now fa better secured than they were i former Days.

I make no doubt but some o my Readers may be apt to fin Fault, and say, I should have give them, as they might justly expect more Particulars of several of th Tryals themselves. I should hav been extreamly well pleased t have found it in my Power t gratify their Curiosity therein

But

ut, alaſs! I believe I may venture o affirm, that they muſt in that aſe almoſt expect Impoſibilities rom me; there having not been nany Things, I believe, either in rint or Manuſcript, worth ob- ervation, that have eſcaped my nſpection and Curioſity.

Happy it had been, and truly Honourable to this Nation, if a noſt excellent Project ſet on Foot n the Reign of *Henry* VIII had one on, which was this: After he Diſſolution of the Monaſteries, hat Prince deſigned to have found- d a Houſe for the Study of the Civil Law, and the Purity of the *Latin* and *French* Tongues; and herefore he order'd Sir *Nicholas Bacon*, Mr. *Thomas Denton*, and Mr. *Robert Carey*, to make a full Project of the Nature and Orders f ſuch a Houſe, who brought it o him in Writing; and the De- ign of it was, That there ſhould e frequent Pleadings and other

Exerciſes

Exercises in the *Latin* and *Fren* Tongues, and when the King Students were brought to som Maturity, they should be sent wit his Ambassadors to Foreign Part and train'd up in the Knowledg of Foreign Affairs, and so the Hou should be a Nursery for Amba sadors: Some were also to be ap pointed to Write the History o all Embassies, Treaties, and othe Foreign Transactions; as also o all Arraignments and Publick Try als at Home: But before any o them might Write upon thes Subjects, the Lord Chancellor wa to give them an Oath, that the should do it truly without Respec of Persons, or any other corrup Affection.

It must be readily owned, tha there are some Capital Crime mention'd in the Title Page, o which there are no Examples gi- ven in this Volume: None indeed could yet be met with, after the

most

oſt diligent Inquiſition that could
e made, within the Compaſs of
ears to which the ſame has been
rought down: If any ſhould oc-
ur in our future Reſearches, its
oped it will not be deem'd a
reach upon the general Method
ropoſed, of inſerting Things ac-
ording to a due Series of Time,
make a Retroſpection, and to
ring them into a ſucceeding Vo-
me: This has not brought the
ryals down quite to the End of
ueen *Elizabeth*'s Reign, and there-
re 'tis not my Intention to ſtop
here, but upon ſuitable Incourage-
ent to carry the Deſign forward
the preſent Century.

It would ſavour of too much
anity to expatiate upon the Dif-
culties, which have been encoun-
ed with, in compleating this Vo-
me: The Variety of the Subjects,
gether with the Remoteneſs and
bſcurity of ſo many Centuries,
e ſufficient Teſtimonies that the

Task

Task was not easy, and that th
Searching of Records, and turn
ing over so many Authors, mu
require a deal of Time and Dili
gence.

Before I Conclude, I am to ob
serve, that a short Tryal has slip
into this Volume, which is not di
rectly a Capital Case, and therefor
of Right had no Claim to have an
Room here; it is a Tryal by Com
bat about a Title to an Estate
which, it seems, could not be de
cided by the Ordinary Course o
Justice. There is nothing but th
Singularity of it can carry the Fac
of an Excuse, and make the In
trusion appear with less Defor
mity.

THE HISTORY OF THE Moſt Remarkable TRYALS IN *Great Britain*, &c.

Of Ordeal *in general, and the ſeveral Sorts of it, and the Tryal of Queen* Emma *in particular.*



ORDEAL is a *Saxon* Word, and ſignifies the ſame as *Judgment*, being in the Opinion of ſome Authors compounded of *Or*, *Alpha Privativa*, as in the *Greek*, and *Del Pars*, implying as much as *expers*; being artificially uſed for a kind of Purgation practiſed in Ancient Times,

whereby the Party purged was judged *expert Criminis*. Others, and perhaps more justly, will have *Or* to be *Magnum*, and *Dale*, or *Dele Judicium* —— Op dat he ga to gower ondale ud dei *Judicium eat*. It was performed by Fire and Water, both hot and cold. The most remarkable Tryal by Fire recorded in *English* History, is that of Queen *Emma*, before the *Norman* Conquest.

This Lady was the Daughter of *Richard* the Second, Duke of *Normandy*, and marry'd to *Ethelred*, King of *England*, and the Mother by him, of King *Edward*, called the Confessor. She had a large share in the Administration of Affairs during her Son's Reign, and had so considerable an Interest that *Goodwin*, Earl of *Kent* and of the *West-Saxons*, who had been chief Minister in several Reigns, was afraid of being eclipsed by her: The wicked Man to rid himself of the Competition, did not hesitate to make use of a scandalous Expedient, charging the Queen Mother with several Crimes, and getting some of the Principal Nobility to back him in his Information: Insomuch that the King, who, (let them Saint him as much as they will,) was but a weak and over credulous Man, contrived to make her a Visit, and despoiled her of her Money and Estate, under Pretence that she had enrich'd herself by Avarice and Acts of Injustice. The distress'd Queen used in this rough and arbitrary manner, retired to *Alwyn*, Bishop of *Winchester*, her near Relation: But this gave her Enemies an Opportunity to heap new Calumnies upon her, the Earl of *Kent* commonly call'd Earl *Goodwyn*, more particularly

ularly giving out, that these Visits were only o carry on an infamous Correspondence.

The King who was of a Disposition easily o be imposed upon, was induced to ob ige his Mother to purge her self by un dergoing the Tryal of Fire *Ordeal*. *Robert Gemeticensis*, who had been lately promoted o the Archbishoprick of *Canterbury*, was a reat Enemy of Queen *Emma*'s, and took pon him to Impeach her, and Bishop *Al wyne* of *Winchester*, upon these Three Ar icles.

1. *That the Queen consented to the Death of er Son* Alfred; *the villainous Contriver and Instrument of whose Death Earl* Goodwyn *him self had really been, in the Reign of the* Danish *King* Harold.

2. *That she used her Endeavour to hinder her on King* Edward *to obtain the Crown.*

3 *That she kept scandalous Correspondence with* Alwyne *Bishop of* Winchester.

As to the manner of her Tryal upon these Articles, the Archbishop, first, in conformity o the King's Directions, conven'd a Synod o inquire into the matter; the last Ar icle, it seems, was what they most laid hold n.

It no where appears, that I can find, that he Queen was heard, and any way inter ogated by the Assembly, concerning any of heseArticles; the Resolution of the Synod, s reported by the Archbishop, was this:

That *Emma*, the Queen Mother, should be Sentenced to go on her bare Feet over Nine Plough-shares heated red hot, in the Presence of the Clergy and the People in the Cathedral Church of *Wincheſter*, and if she receiv'd no harm by this Tryal, she was to be reputed Innocent, but if otherwise to undergo a greater Puniſhment, which 'tis preſum'd, muſt be no leſs than Death.

The diſtreſs'd Queen ſpent the Night before the *Ordeal* in Prayer at St. *Swythin's* Tomb in the Church above-mention'd. Next Day, all the Preparatory Ceremonies being over, ſhe walked over the Nine heated Plough-ſhares unhurt, in the Preſence of the King and the Nobility of the Land. She was dreſs'd like an ordinary Perſon, naked to her Knees, and had her Eyes always fixed upwards. The Fire was ſo far from making any Impreſſion upon her, that after ſhe had walked out of the Church, and had trod up on all the hot Irons, ſhe asked when they deſign'd to bring her to the Teſt: But being given to underſtand that the Danger was all over, ſhe gave God Thanks for giving ſo full a Teſtimony to her Innocence.

Upon this, King *Edward* her Son, fell upon his Knees, asked her Pardon, and was willing to make Reparation to his injured Mother and the Biſhop of *Wincheſter*, by ſubmitting to Diſcipline. The Plough-ſhares to preſerve the Memory of the Miracle were bury'd in the Cloyſter of *Wincheſter*, and One and twenty Mannors ſettled upon the Biſhoprick and Church of *Wincheſter*. Three of which were given by the King

Nine

e by Queen *Emma*, and as many by the
hop himself.

Having already mentioned the Prepara-
y Ceremonies to the *Ordeal*, it may please
Curiosity of the Reader to see the Form
he Adjuration for *Ordeal*, or scalding Wa-
, which was much the same.

One Pound of Iron is enough for a single
bation, and Three serves for a triple one;
none were to be present at this kind of
juration, but such as were Fasting: The
nies being said, the Priest shall begin his
juration thus, in the Place where the Iron
eated, or the Water.

O *God who hast done many wonders by Fire,*
who hast delivered thy Servant Abraham
being burnt by the treacherous Contrivances of
Chaldeans, *who hast suffered the Bush to burn*
he sight of Moses *and not to be consumed; who*
delivered the three Children from the Fiery
nace of the Chaldeans, *by which many of them*
shed; who having destroy'd Sodom *and* Go-
rrha *by Fire, hast saved* Lot *thy Servant and*
Family, who at the coming of thy holy Spirit
decreed to separate the Faithful from Unbe-
ers by the Illustration of Fire; shew us in this
al of our wickedness, the Power of the same
Spirit, by the Heat of this Fire distinguish the
hful from the Unbelievers; that the Guilty
a slight Touch of the same, upon the Account
he * *Crimes about which Inquisition is made,*
have Horror upon them, and their Hands or
in some measure burn; but that those who
Innocent may utterly escape and come off unhurt,
&c.

* *Theft, Murder, Adultery,* &c.

Another.

O *Lord who art a Just and Powerful Judge, a Author and Lover of Peace, full of Patie and long Suffering, who judges justly, and thy ju ment is just, who look'st down upon the Earth a makest the same to tremble; thou, O Almig God, who by the coming of thy Son, our Lord Je Christ, hast saved the World, and by his Pa redeemed Mankind, sanctify this hot Water, or hot Iron.* ✝ *O thou who hast saved the Th Children,* Sadrack, Misac *and* Abednego, *by the command of the King of* Babylon, *w cast into the Fiery Furnace, who leadest th forth by thy holy Angel, most merciful Father, omnipotent Ruler of the World; suffer, O Lord, any are innocent of the Crime or Crimes ab which Inquisition is now made, who lay their Ha on this hot Iron, or thrust it into this scalding W ter, that they may escape unhurt. And as th hast delivered the Three Children before mention from the Fiery Furnace, and* Susanna *from false Accusation, so O Almighty God, vouchs to save the Innocent Hand, or Hands, from manner of hurt. And if any who comes here really C pable and Guilty of the Crime he is charged wi shall from a hardned Heart, and out of the Pride his Mind, lay his Hand on this hot Iron, or it into this scalding Water, O Almighty God, thou vouchsafe to manifest and declare the same thy most righteous and just judgement, that the S of him, or them, may be saved thro' Repentanc and if the Guilty Person, or Persons, shall by so Witchcraft, Herbs or Diabolical Arts, be so Hea hardned, that he will not confess the Sin he has co mitted, we beseech thee, O Lord, that thou woul*

leased to manifest the same by thy right hand,
', &c.

A Third.

O Lord who art the Restorer and Lover of Innocence, the author of Peace and whose gments are just, we most earnestly intreat thee, t thou wouldst be pleased to bless ✝ and san- fy ✝ this red hot Iron, or scalding Water, ap- nted for the Tryal and Examination of any btful case, so as that the Innocent of those Crimes d to his, or their Charge, who shall put their nds or Feet to this red hot Iron, or Water, san- fied by thy blessing, may thro' thy bountiful Com- sion escape unhurt: But if he who is Culpable and ilty shall despise, and like a Tempter, undergo judgment; or shall by Herbs, Witchcraft or o- r kind of Sorceries, being intent upon hiding and cealing his wickedness, be resolv'd, thro' the ma- of his Heart, to stand the Tryal of the Truth; most just and most merciful God, let thy Power, ich over-comes all things, together with thy Truth, ich remains for ever, be made manifest, so as that quity may not triumph over thy Justice; but Falshood be subdued by Truth, that all that it, may be free through thy Mercy of their In- elity, who livest and reignest, &c.

When this is done, Holy Water is given to present to Taste, and sprinkled all over e House; then the Iron is produced, which is ken in the Presence of them all by the sup- sed Criminal, and carry'd for the space of ine Feet. His Hand is sealed up and kept for Three Nights and then opened; if it be nd and well, Thanks are return'd to God

for it; but if raw, and corrupt matter found where the Iron touch'd, he is adjudg to be guilty and impure.

As to the Tryal by ſcalding Water, t Man ſhall take a Stone out of it, which a ſimple Tryal ſhall hang down into it b String to the length of a Hand's Breadth, in a triple Probation, of a Cubit; and Hand ſhall be ſealed up and opened as befo

I have not been able to meet with a other Example of this kind of any Tr or Exorciſm at Home. There was inde a notable one in *France* which is mention by *Hincmar*, Archbiſhop of *Rheims*, concer ing the Divorce of *Lothair*, King of *Fra* and his Queen *Tetherga*, by whom he afterwards poiſon'd. That Author infor us, that that Lady by her Proxy, underwe the Tryal of ſcalding Water, and comi off without the leaſt mark or impreſſio was received by *Lothair* her Husband, a co-habited with him. The Form and S lemnity of this Tryal is mentioned by ſeve Authors, particularly by *Mabillon*, but bei much the ſame with that already recited, ſhall avoid needleſs Repetitions.

They had in like manner about the mi dle Ages of Chriſtianity another ſort Tryal by cold Water; upon which c caſion the Adjuration began thus: Wh the Perſons accuſed, or ſuſpected, have faſ Three Days in the Preſence of the Prie they are then to be conducted to Chur and let the Presbyter Sing Maſs bef them all, and cauſe them to make th offering at that Maſs; but when th come to the Communion, let the Prieſt

ore they Communicate, interrogate and ad-
ure them, saying, *I adjure you,* or *thee,* as
here is one or more of them, *in the Name of the Father, Son and Holy Ghost, and by the Christian Religion which you profess and by the only begotten Son of God, and the Holy Trinity, by the Holy Gospel, and by those Holy Relicks that are in the Church, and by that Baptism thro' which the Priest has regenerated you, that you presume by no means to Communicate or approach the Altar, if you have done or consented to this, or know who did it:* If therefore they are Silent and ay nothing, let the Priest draw nigh the Al-ar and Communicate, and afterwards let im give the Communion to those who are o be put into the Water.

The Mass of Judgment begins. *N.*

N. Just thou art, O Lord, and righteous in thy Judgment, do to thy Servant according to thy mercy sake.

Ps. *Blessed are the undefiled in the way.*

Prayer.

FOrgive we beseech thee, O Lord, the Offences of thy Servants, that thro' thy Goodness they may be free from the Bands of their Sins, which thro' their frailty they have committed, and that by this Tryal they may by the Course of thy Justice, according to their deserts, be brought to the Test of Truth,

Lesson

Lesson out of *Leviticus*.

IN those Days the Lord said unto Moses, *saying; I am the Lord your God, do not steal, do not lye; let no one deceive his Neighbour, be not forsworn in my name, and do not blaspheme the name of thy God. I am the Lord, do not calumniate thy Neighbour, or oppress him by violence; let not the wages of thy hireling tarry with thee till morning; do not rail at the deaf, nor lay a stumbling-block before the blind; but fear thy Lord thy God, for I am the Lord.*

Another.

Ephesians.

BE ye renewed in the Spirit of your mind and put on the new man, who according to God is created in Righteousness and true Holiness.

For which laying a side a false Tongue, let every one speak the Truth to his Neighbour, because we are members of one another.

Be angry and sin not.

Let not the Sun do down upon your wrath.

Do not give way to the Devil.

He that hath Stole, let him steal no more, but rather let him labour with his hands, which is good, that he may have wherewith to contribute to the necessity of those that want.

Resp. *Be merciful, O Lord, unto us for our sins, least the Heathens shall say, where, where is their God.*

Help us O God of our Salvation, and deliver us, O Lord, for thy name sake.

Alleluia, *God is a righteous Judge, powerful and long suffering: Shall he be for ever angry?*

According

According to St. *Mark*.

IN thoſe —— *As Jeſus went on the way, came one running, and kneeling before him, asked him, ſaying, Good Maſter, what ſhall I do to obtain eternal Life. Jeſus anſwered, why calleſt thou me Good? there is none Good but God.*

Knoweſt thou the Commandments, he ſaid, Which is, ſays he, do not Kill, do not commit Adultery, do not Steal, do not bear falſe Witneſs, do not Defraud, Honour thy Father and thy Mother. Jeſus then looking on him, loved him and ſaid unto him, There is one thing wanting, go ſell all that thou haſt, and give it to the Poor, and thou ſhalt have treaſure in Heaven, and come and follow me. Of. —— *The Lord will ſend his Angel into the midſt of thoſe that fear him, and will deliver them. Taſte and ſee how good the Lord is.*

Here they offer.

Prieſts. *Let the mediation of thy Saints, O Lord, make our offering acceptable to thy mercy; and when our merits are defective, let their Interceſſion prevail to obtain forgiveneſs for us, through our Lord,* &c.

The Preface.

O Eternal God! who not only doſt forgive Sins, but alſo juſtifieſt the Sinners: And doſt not only pardon the Offences of the Guilty, but beſtoweſt gifts and rewards upon them; we humbly beſeech thee of thy great goodneſs, that thou wouldſt not lay their paſt offences to the charge of thy Servants, but diſcover the Truth of this Crime to the Spectators,

ſo

so far forth that thy People may set forth the praises of thy Name, and acknowledge thee for the Author of this and the life to come, thro' Jesus Christ.

Benediction on the Tryal.

O God, *of whom 'tis written, because thou art just and thy Judgments are true, deal with these thy Servants according to thy mercy, that they may not suffer for their past Offences, but in this according to their desert the Tryal of their Truth, by the Interposition of thy Blessing, may immediately follow,* Amen.

And O thou, who art just and a lover of Justice, and from whose Countenance Righteousness does flow, grant that the Examination of thy Truth, may not be prevented by the juggles of wicked People, Amen.

We beseech thee, mercifully to hear our Prayers, and graciously to pardon all their past offences, and if they are guilty, let thy bountiful goodness extend not to the destruction of them, but to the detection of the Truth of their Crimes, Amen.

Here let them take the Sacrament after the Priest, and let the Priest say,

Let this Body and Blood of our Lord Jesus Christ, serve you for a Tryal this Day.

Conf. *The Lord is just and loves Justice, his Face beholds Righteousness.*

The

The After-Communion.

HAving partaken of the holy gifts, we earneſtly pray, that the Receiving of this Sacrament may immediately clear us of our own Sins, and manifeſt a declaration of the Truth in reſpect to thy Servants, thro' our Lord, &c.

Maſs being over, let the Prieſt make holy Water, and proceed to the Place where the People, one or more, are to be try'd. When he is there, let him give all of them ſome of the Water to drink, and afterwards let him adjure the Water to which he ſends the Accus'd.

The Adjuring of the Water begins.

O God! who exerciſing thy Judgment on the Element of Water, haſt by the univerſal Deluge deſtroy'd Millions of People, and was pleaſed to ſave righteous Noah *and his Family. That God who didſt drown the* Egiptian *Hoſt in the* Red-Sea, *and commandeſt the Children of* Iſrael *to paſs over undauntedly, pour the vertue of thy bleſſing* + *upon theſe Waters, and vouchſafe to ſhew a new and ſtrange Miracle by them: That the Innocent from the Crime,* * *for which they are here try'd by means of Water, may be received and ſink down into them, but that thoſe who are guilty may be oppoſed and rejected, ſo as that their Bodies be not ſuffer'd to ſink into it, which Bodies being devoid of ſubſtantial Goodneſs, are carry'd away with the wind of Iniquity; and let that which wants the Solidity of vertue want the weight or ſolidity of a real Subſtance in the Waters, thro' our Lord,* &c.

* *Theft, Murder, Adultery,* &c.

Others

Others also.

I *Adjure thee, O Element of Water! in the name of God the Father Almighty + who has created thee at first and commanded thee to be subservient to the necessities of Mankind; who has also required thee to separate thy self from the upper Waters: I adjure thee likewise by the ineffable Name of Jesus Christ, + the Son of the living God, under whose Feet the Sea and the divided Element is subjected and to be trod upon, who also was pleased to suffer himself to be baptized in the Element of Waters. I likewise adjure thee by the holy Ghost, who descended upon the Lord at his Baptism; and I adjure thee by the holy name + of the undivided Trinity, at whose pleasure the Element of Water divided, and the Children of* Israel *presently passed over dryshod; at the invocation of whom* Eliseus *also made the Ax which fell from the Handle swim upon the Water, that thou wouldst by no means receive these People into them if they are guilty of that which is laid to their charge; that is either indeed, or by their Consent or in their Consciences, or by any device whatsoever, but cause them to swim on the surface, and let no obstruction or delusion of Enemies so prevail, as to hinder the same to be seen. We also require thee, being thus adjured in Christ's Name, that thou wouldst obey us in his Name, whom every Creature serves, whom the* Cherubins *and* Seraphims *laud, saying, Holy, holy, holy Lord God of Hosts, who also rules and reigns for ever and ever,* Amen.

Another.

Another.

I Adjure thee, O Element of Water, in the Name of the Father, of the Son, and of the holy Ghoſt by the dreadfull Day of Judgment, by the Twelve poſtles, by the Seventy two Diſciples; by the twelve rophets, by the Twenty four Elders, who are con-nually praiſing God; and by the Hundred and for-four thouſand who follow the Lamb; by the whole oſt of Angels, Archangels, Thrones, Dominions, rincipalities, Powers, Vertues, Cherubims *and* eraphims, *and by the many thouſands of holy Martyrs, Virgins and Confeſſors.*

I adjure thee by the Blood of our Lord Jeſus hriſt, and by the four Goſpels, by the four Evan-liſts, by the Seventy two Books of the old and new eſtament, and by all the holy Writers and Tea-ers of the ſame.

*I adjure thee by the holy Catholick Church, by the ommunion of Saints, and by their Reſurrection; that ou become exorciſed, adjured and obdurate Wa-r, againſt the Devil the Enemy of Mankind, and gainſt thoſe Perſons who being ſeduced by him, ave committed the Evil * laid to their charge, that ou wouldſt by no means ſuffer them to enter into nd ſink in thee, but that thou wouldſt repell and reject em, and not allow a Body to be admitted into ee, that is diveſted of the weight of Goodneſs, but at wants the weight of Vertue, and the weight of s own Subſtance,; but let thoſe that are Innocent f the ſaid Crime, according to the nature of Wa-r, be receiv'd by thee and ſink into thee unhurt, hro' our Lord, &c.*

* *Theft, Murder, Adultery, &c.*

When the Water has been thus exorciſed, et thoſe who are to go into it, put off their Cloaths,

Cloaths, and kiss the Gospel and the Cross and let holy Water be sprinkled over them All that are present ought to be fasting, and so let them be thrown into the Water; if they sink, they shall be reputed Innocent but if they swim on the Surface, they shall be adjudged Guilty.

This Custom was used by the *English*, *Germans*, and most other Nations of *Europe*; but at last abolished by several Princes, who put down the usage, because it looked like Repeating of Baptism. It was likewise together with that of scalding Water, *&c.* condemned by the Council of *Lateran*, under *Innocent* III.

This is what Authors generally say concerning *Ordeal* and the other sorts; but as to the first *Spelman* in particular, affirms that it was a long time, if at all, before it was forbid by a positive Law. My Lord *Coke* says indeed, that it was at length taken away by the Authority of Parliament, these being his own Words, *Fuit oustè per Parliament & hoc appiert Rotulo Patentium de anno tertio.* Hen. 3. *Membrana* 5. *Car le Record dit Provisum fuit per Regem & Consilium*, &c You have the Record it self in *Spelman's Glossary* with these Remarks upon it, *That what was ordain'd by King and Council, and confirmed with the King's Seal, had at that time without all doubt the Authority of Law.* But we cannot strictly call it a Parliament, neither was that Order or Law perpetual, but only for the present time, and was not directed to the Judges that went the Circuits in all the Counties but besides those in the Record, who went into *Cumberland*, *Westmoreland* and *Lancashire* Circuits; to those that went *Somerset* and *Dorsetshire*

Hertfhire ones; the *Oxford*, *Kent*, *Eſſex* and *Here-fordſhire*; *York*, *Bedford* and *Buckinghamſhire* Circuits; and thoſe over which *Henry*, Biſhop of *Lincoln* and his Aſſociates preſided, which were, *Lincoln*, *Nottingham* and *Derby*. But ſuppoſing the reſt of the Judges had received the ſame Order what then? we can find no Law any where enacted about it. But theſe ſorts of Tryals by degrees from thence forward grew out of uſe, out of reſpect to the Canons and the Church of *Rome*. To confirm this Opinion, the ſaid King *Henry* III. afterwards by his Charter bearing date the 16th of *March*, in the 11th Year of his Reign, granted to the Monks of *Semplingham*, that they ſhould hold, *&c.* their Court and adminiſter Juſtice with *Sak* and *Sok*, and *Thoe* and *Theam*, — and *Ordeal* and *Oreſt*, within the time and without, *&c.* Here alſo King *John* by his Charter dated *November* the 28th, in the 2d Year of his Reign, granted to *God* and the Church of the holy Trinity of *Norwich*, in all their Lands to hold *Sac* and *Soc*, *&c.* with Tryals of Iron, Water and Combat; ſo the ſaid King *Henry* III. alſo confirm'd all by *Inſpeximus* on the 7th of *July*, in the 16th of his Reign. But we muſt judge cautiouſly of things in diſuſe and obſolete which among others are confirm'd by *Inſpeximus*. After the Law of *Ordeal* had lain dormant a long while, his great Grandſon *Edward* III. on the 5th of *March* in the 3d Year of his Reign, confirm'd the foreſaid Charter of *Henry* III. without any Intention of reviving *Ordeal*, tho' he added the Clauſe *As far as in us lyes*; but no Tryal of this kind, at leaſt worth inſerting, occurs to us from thenceforwards, either in our Hiſtories or Records.

The History of the Tryal of Thomas, *Earl of* Lancaster, *for Treason, &c. in the 15th Year of King* Edward II. Anno 1322.

THOMAS *Plantagenet*, Earl of *Lancaster*, was the Son of *Edmund* Earl of *Lancaster*, second Son to *Henry* the IIId King of *England*, and consequently had so much of the Royal Blood in him, and was so nearly ally'd to the Crown, that he was first Cousin to King *Edward* II. and next in Succession after himself and his Issue. The Greatness of the Earl made all that were aggrieved apply to him for Protection and Relief, who being a most strenuous Assertor of *English* Liberty and an Enemy to Court Minions and Flatterers; he was frequently at ill Terms with his Prince in a loose and dissolute Reign. It is not my Business to enter upon a detail of the military Actions that happened between them, and the Reconciliations that were made; only I must observe from the Records of those times, which I cannot meet with in any of our Histories, that King *Edward* II. in the Twelfth Year of his Reign, on the 22d of *October*, 1318, granted a Pardon to the Earl of *Lancaster*, and to his Adherents, whose Names were these.

Nichola

Nicholas Segrave,
Robert de Noland,
Stephen de Segrave,
William de Latimer,
Fulk le Strange,
William Inchetis,
Fulk, the Son of *Warine*,
John Beek,
} Kts.

Michael de Melda,
John de Kynirdeſey,
} Clerks

Roger Peler,
Thomas Owayn,
Adam Tywe,
Gilbert Owayn,
Hugh le Harper,
Henry Owayn,
John de Lynton,
Stephen le Parker,
De Brettcby.
Mr. *Roger le Cu*.
John Pole,
Gilbert Scot,
Roger Page,
William Baddeſley.
John Owayn,

William le Trompour,
Robert de Mere, *de Burton*,
Ingelard de Lynton,
Robert, the Son of *Matilda de Lynton*,
Adam de Trompour, *de Burton*,
John de Migners,
John Deverney,
William de Cheddele.
John Chopcok,
Richard, the Son of *William de Holland*,
Roger de Gouche,
Robert, the Son of *Thomas le Chamberleyn*.
Robert de Buckeley,
Adam de Radeclif,
Roger de Radeclif,
Robert de Walleden,
Henry de Cornſtall.
John de Radeclyf.

The Peace having laſted for ſome time, new cauſes of Difference aroſe, ſo that the Civil War broke out again, the Earls of *Lancaſter* and *Hereford* heading the Party that oppoſed the Court, of whom *Lancaſter* was at laſt taken Priſoner, and the manner of his Tryal and Condemnation here follows: Some may expect I ſhould be more particular in my Relation of it: I am to let them know

that what is here inserted is nothing but the Record it self, of which all our Historians come very far short in the Account they give of it.

It was now full Two hundred and fifty six Years since *William* the Conqueror came to the Crown of *England*, during which time, tho' there had been very many Insurrections and Civil Wars waged between our Kings and the Barons, yet not one Nobleman was try'd for his Life, and suffered Death by form of Law, till this great and unfortunate Earl, which is still the more remarkable, because of his near Relation to the Crown; but now we come to the Record it self, translated from the *Latin* Original.

PLEAS *of the Crown held before our Sovereign Lord King* Edward II. *Son of* Edward I. *King of* England, *in the King's own Presence at* Pomfret, *on* Monday *immediately preceding the Feast of the* Annunciation *of our Blessed Virgin* Mary, *and the* 15*th Year of the said King's Reign.*

Seeing that Thomas, *Earl of* Lancaster, *who was taken Prisoner for the many Treasons, Murders, Burnings, Depredations and divers other Felonies was brought before the King, where there were Present these following Peers,* viz.

Edmund Plantagenet, *sirnamed of* Woodstock, *Earl of* Kent, *the King's Brother.*

John de Dreux, *Earl of* Richmond, (*Duke of* Bretagne)

Aymer de Valence, *Earl of* Pembroke.

John Plantagenet, *of* Surrey.

Edmund Fitzallan. *Earl of* Arundel.

Davi

David, Earl of *Athol.*
† *Robert*, E. of *Angus*
The Lord *Hugh Spencer*, the Father.
The Lord *Robert de Malmesthorp*, Chief Justice.

And several others the Peers of the Realm.

He calls to mind that the said Thomas, *Earl of* Lancaster, *the King's Liege Men came to* Burton *upon* Trent.

Together with Humphrey de Bohun, *late Earl of* Hereford, *who was a Traytor to the King and Kingdom, being found with Banners display'd at* Burrow Brigg, *waging War against the King our Sovereign Lord, and there slain with* Roger Damery, *and adjudged a Traytor; and also with some other Traytors and Enemies to the King and the Realm.*

With Banners display'd, as in open War, in a hostile manner resisted and hinder'd our Sovereign Lord the King, his Soldiers and faithful Subjects, for three whole Days; so as that they could not pass over the Bridge of the said Town of Burton *upon* Trent *as they ought to have done, and there feloniously slew some of the King's Men.*

Wherefore the said King, in order to repress the Malice and Resistance of the said Earl of Lancaster *and others, and to maintain the Peace and Tranquility of the Kingdom, to defend his People and the Right of his Royal Crown, and to repel and oppress the said Insurrection and Sedition, moved and sought for a Passage elsewhere over the* Trent, *and so rode with all his Power from thence towards the said Earl and others.*

† *Athol* and *Angus*, *Scotch* Peers, were then reputed *English*, as being under the Dominion of *England*.

And whereas the said Earl of Lancaster *had observed this, he, together with the other Traytors above-mention'd, as a Traytor and an Enemy to the King and Kingdom, set fire to the said Town of* Burton, *and feloniously burnt part of the Houses and Goods therein; and the said Earl of* Lancaster *thereupon, together with the other Traytors before mention'd, went out of the Town into the Field, where he display'd his Banners, and drew up his Men in an hostile manner to fight against the King himself, contrary to his Homage, Faith and Allegiance, which he owed to his said Sovereign Lord the King, waiting for the coming up of his said Sovereign the King into the Field.*

Moreover, when the said Thomas, *Earl of* Lancaster, *perceived that the King was upon the March, and drew near them with a great force, he, together with the other his fellow Traytors aforesaid, in Confusion betook themselves to flight, and actually fled.*

And while during the Flight, our Lord the King stoutly pursued them, they committed several Depredations and Robberies, until the said Thomas, *Earl of* Lancaster, *together with the Traytors aforesaid, with Horse and Arms, and Banners display'd, made an Attack upon the said Subjects that adher'd to the King, and were there present, some of whom he feloniously slew and vanquish'd, until the said* Thomas, *Earl of* Lancaster, *falling then into Confusion, was taken Prisoner; and some of the aforesaid Rebels were also taken: So that no thing was wanting on the part of* Thomas, *Earl of* Lancaster, *but that he, together with the other Rebels who accompanied him, would have routed and subdued the King in Battle.*

Which Treasons, Slaughters, Burnings, Depredations and Hostilities, together with Horse and Arms

nd Banners display'd, are very notorious and ma-nifeſt, even known they are to the Earls, Barons, Gentry and Commonalty of the Realm: And there-fore it is decreed, That the ſaid Earl Thomas, *for the ſaid Treaſon ſhall be drawn, and for the ſaid Murders, Depredations, Burnings, and Rebel-lion, hang'd, and for the ſaid flight upon that ac-count, beheaded.*

Moreover, tho' the ſaid Thomas *Earl of* Lan-caſter, *hath in times paſt, ſeveral times carried himſelf wickedly and maliciouſly, contrary to his Homage, Faith and Allegiance, towards our Lord the King; to wit, when our ſaid Lord the King had at* Newcaſtle *upon* Tyne, *got together Provi-ſions, Horſes and Armour, Jewels, and ſeveral other Goods and Moveables of great value, and in large Quantities; which Goods and Moveables the ſaid Earl* Thomas, *with Horſe and Arms, and a great Power of armed Men, took, deſpoiled, and carried off, and which Depredation and Offence our Sove-reign Lord the King, out of his ſpecial Grace and Favour, forgave and pardon'd to the ſaid Earl, and others his Accomplices in the ſaid Depredations, in order to reclaim the ſaid* Thomas, *Earl of* Lan-caſter, *and amend his Life.*

Again, the ſaid Thomas, *Earl of* Lancaſter, *having drawn a great number of Men together, with an Army came to ſeveral Parliaments of our Lord the King, and ſeveral times hindred our So-vereign Lord the King to hold his Parliaments, as the ſame of Right appertained to him and his Crown to hold, and ſeveral times declined to come into thoſe Parliaments, purſuant to the King's Com-mands; but diſobediently refuſed it, and alſo had frequently ſeveral Meetings and Aſſemblies againſt the King, in divers Places, and againſt his Maje-ſty's expreſs Orders to the contrary.*

Moreover seeing that several Offenders and o-thers, the Disturbers of the King's Peace, whom the said Thomas, *Earl of* Lancaster, *drew to his Part and Interest, have committed Murders, Depredations, and several other Felonies, for which they have deserv'd that Sentence of Death, should pass upon them, and that the said Earl of* Lancaster *has deserved the like Sentence of Death, for his keeping and entertaining of such Persons, according to the Laws and Usage of the Realm: Nevertheless, the said Earl coming into the Parliament of our Lord the King held at* York, *with a great Power of armed Men, brought the said King our Sovereign to grant a Pardon for the Breach of his Peace by him and the aforesaid Offenders in the Premisses, even to the Number of a Thousand Persons, tho' the said* Thomas, *Earl of* Lancaster, *had sworn before to the Observance of some Constitutions, by which the King was not to Pardon the Breach of his Peace, in such emergent Cases as the Death of a Subject.*

Again, seeing our said Sovereign Lord the King, in order to bring the said Earl to Good, as aforesaid, which Earl did all he could to oppose him, bestowed upon him several Possessions in Lands, Territories, and other Privileges, at several times, and allowed him certain Grants, several Favours and Pardon under his Great Seal; yet the same Thomas, *Earl of* Lancaster, *with all his Power and Might, persisted in his Rebellion and Disobedience to our Sovereign Lord the King, and even persevered in his Malice against him.*

Farther, the said Thomas, *Earl of* Lancaster, *sent some Soldiers, out of his own Family, in the City of* York, *in order to draw the Community of the said City, and the Custody thereof into his own Hands; and the said Earl has also usurped to himself*

f the Royal Authority divers ways and endea-
ured to uſurp it; to the end he might, ſo far as
in his Power, diſpoſſeſs our Sovereign Lord the
ing of his Dominions, and dethrone him.

Again, ſince the King our Sovereign Lord, when
ely at York, commanded divers of the Nobi-
y and others, his Subjects, with whom he had a
nd to conſult, to repair to York, there to con-
er about the King's Expedition againſt Scotland,
ſaid Thomas, Earl of Lancaſter, reſiding at
at time in his Caſtle at Pomfret, ſent to gather
great Power of armed Men, and his own People,
obſtruct the Paſſages to York, as well by the
ad ways as over the Bridges and thereby hin-
r'd the Counſellors of our Lord the King, purſu-
t to his Royal Commands, to come to York, and
to attend his Perſon: And for as much as our
rd the King, being upon his departure from York
wards the Southern Part of the Kingdom, came
th his Houſhold to paſs over near Pomfret, the
id Thomas, Earl of Lancaſter, and his Men,
lly'd out of the aforeſaid Caſtle, and upon ſight of
r Lord the King, in a very baſe, deſpicable and
multuous manner, exclaimed againſt him, to the
eat diſhonour of our Sovereign Lord the King, as
the ſaid King was their Enemy, and no King, nor
eir Sovereign.

Again, the ſaid Thomas, Earl of Lancaſter,
gether with the afore-mention'd Earl of Here-
rd, and others his fellow Traytors, endeavoured
form and conclude a Confederacy and Allyance
th Robert de Bruce, Thomas Randolph,
d James Douglas, and other Scotch Men, who
ere Enemies of our Sovereign Lord the King and
s Realm; and that there has been found a certain
denture of the ſaid Confederacy and Allyance,
on the ſaid Earl of Hereford, when he was

Slain,

Slain, as above-mention'd, in these Words. T
Credentials of *John de Denum* to *Robert* Ki
of *Scots*, to *Thomas Randolph*, Earl of *Mo*
Seneschal of *Scotland*, and to Master *Ja*
Dowglas, or to any of them, as soon as
shall meet with them, on the behalf of t
Earl of *Lancaster* and the Earl of *Heresor*
and their Allies, *viz.*

That the said King of Scots, *and the said E*
of Morif, *and Seneschal of* Scotland, *and Mas*
James Dowglas, *with their Power, shall come to*
said Earls of Lancaster *and* Hereford, *and the*
Allies, as soon as they are ready, to a certain Pl
appointed, where they may Rendevouse.

They shall offend all those whom the said Ea
of Lancaster *and* Hereford, *and their Allie*
would have them offend, and protect all those wh
they would have them protect to the utmost of th
Power.

Farther, they shall come to the said Earls
Lancaster *and* Hereford *to all Places, whith*
they would have them come, in England, Wal
and Ireland, *and there live and dye with them*
the Defence of their Quarrel, without making a
Pretence of Conquest or Sovereignty to the said Te
ritories in England, Wales *and* Ireland, *and t*
said King of Scotland, *and the said Earl of* Mori
Seneschal, *and Master* James Dowglas, *are wi*
ling on the behalf of themselves and of their Force
to assure and perform the same. But in case th
said King of Scots *should himself be hindred thr*
Sickness, or some other Impediment, to come in Pe
son; that then the above-mentioned Earl of Mori
Seneschal *of* Scotland, *and Master* James Dow
glass, *or their Forces aforesaid shall confirm a*
make good all that is above named.

Wh

Then the said Earls of Lancaster *and* Hereford, *their Allies shall have their Quarrel decided, shall use all their endeavours that a good Peace be cluded between the two Kingdoms of* England Scotland; *so as that the one side may enjoy ir Country of* Scotland *in as Peaceable manner, he other theirs of* England.

And farthermore, seeing the said Traytors, who er'd to Thomas, *Earl of* Lancaster, *have ely by force of Arms with their Army entered in- the Castle and Town of* Glouceſter, *appertaining our Lord the King, poſſeſſing themſelves of the d Town and Caſtle, contrary to the Pleaſure of Sovereign Lord the King, and there as well as the Town of* Brigdeworth, *committed Depre- ions, Burnings, Murders and other Crimes; and ſaid Traytors fearing the approach of our Lord King and his falling upon them, quitted the ſaid wn and Caſtle of* Glouceſter.

And the ſaid Traytors flying away from thence ſoon as they could to the ſaid Thomas, *Earl of* ncaſter, *as unto their chief Refuge, Captain and efender; which ſaid* Thomas, *Earl of* Lancaſter, *reby notoriouſly manifeſting his Treaſon and Re- llion, entertained thoſe his fellow Traytors, and ined Forces with them, to fight againſt our Lord King, and to kindle a War within the Kingdom, aforeſaid, and put his Men together with his be- re-mentioned fellow Traytors, to lay Siege to the ing's Caſtle of* Tikhal, *and brought ſome Engines to row great Stones into the ſaid Caſtle, and at the en who defended the ſame for our Lord the King, d continually for the Space of three Weeks together ttered and aſſaulted the ſame, and ſlew ſome of e Men who were within it.*

And afterwards the ſaid Earl of Lancaſter, *hen he had perpetrated all the above related Crimes,*

Violences

Violences and Offences betook himself to flight, a
foresaid, directing his march towards the said Sco
who were Enemies to our Sovereign Lord the K
and his Kingdoms, until he came to the abovena
Boroughbrig, where he was taken as aforesaid.

Wherefore our Sovereign Lord the King havi
duely weighed the great Enormities, and Offences
the said Thomas, Earl of Lancaster, and his N
torious Ingratitude, has no manner of Reason to sh
any Mercy to him, in reference to the pardoning
those Crimes already mentioned, for which he
Condemned.

Nevertheless, because the said Earl Thoma
is most highly and most nobly descended, our Sov
reign Lord the King, having due Regard to his hi
Birth and Quality, of his own meer good Ple
sure, remits to the said Thomas, Earl of Lanc
ster, the Execution of two of the Punishments,
aforesaid, viz That the said Thomas, shall n
be drawn nor hang'd; but only that Execution b
done upon the said Earl, by beheading him.

Again, Seeing Warin de Lisle, William
Tochet, Thomas Mauduit, Henry de Brade
born, William Fitz-William, and William
Cheyney, being in like manner taken, and fo
the Treasons, Murders, Burnings, Depredations, an
divers other Felonies by them committed, were b
the Marschal brought before our Lord the King, th
aforesaid Earls, Barons and other great Men of th
Kingdom being there Present, our Lord the Kin
calls to mind that the said Warin and the other
beforementioned, came with the said Thomas, an
other Traytors and Enemies to our King and King
dom, to Burton upon Trent, with Banners dis
play'd as in open War and in an hostile manner re
sisted and stopt our Lord the King, his Men an
Family for three whole Days together, so as that the
could

ld not pass over the Bridge of that Town, there
nded some of the King's Men, and others felo-
usly slew, and when they saw the King pass over
Trent towards them, with a great Power, the
d Traytors and Enemies of the King and King-
n, set fire to the aforesaid Town of Burton, and
niously burnt part of the Houses and Goods, and
drew out into the Field in the Company of the said
rl Thomas and other Traytors, and there put them-
ves in Array with Banners display'd, in the Army
the said Thomas and other Traytors, and Ene-
es of the King and Kingdom, to attend the com-
up of the King, and to wage War against him,
trary to their Homage, Fealty and Allegiance;
d fled from thence together with the said Thomas
d other Traytors and Enemies of the King and
ngdom, as far as Borroughbrig, in a felonious
nner Robbing the King's liege Subjects, and the
untry before them.

And there at Burroughbrig aforesaid, they
tacked in a Hostile manner, with Horse and Arms
d Banners display'd, the King's liege Subjects
o had Authority from him, to resist Traytors and
emies of the King and Kingdom; some of whom
y wounded, and others they feloniously slew,
trary to their Homage, Faith and Alleginace.

And there was nothing wanting in the said Warin
d the rest, but that they together with the afore-
id Thomas and the others his follow Traytors,
uld have beat and overcome the King himself.

All which Treasons, Murders, Burnings, De-
dations, and Hostilities, with Horse and Arms,
d Banners display'd, are manifest and notorious,
d known to the Earls, Barons, Gentlemen and
mmonalty of the Kingdom.

And

And therefore 'tis adjudged, that the said Wa and others, shall be Drawn and Hang'd for the Treasons, Murders, Depredations and Robberies.

In Witness, &c.

Given by the King at *York*, *May* 2d.

Its not to be doubted, but the Earl, w was a Person of a good Capacity, made a ve stout Defence for himself so far as he was low'd to do it, and such as the torrent of t Times and a Favourite Reign would allo of; but what pitty it is it should be no whe extant on Record: The Example, as befo hinted, was new, and to be sure would adm of a noble Argument against it. But as care w taken to Record the Proceedings against hi they were no less Sollicitous to suppress eve thing that could be said in favour of him.

The unfortunate Earl in pursuance of t Sentence, was the very same Day he w try'd, so intent his Enemies were to get r of him, beheaded at *Pomfret*.

It was generally allow'd that nothing co tributed so much to the Earl's Death, as t King's Hatred to him for being the cause the cutting off *Pierce Gaveston*, Earl of *Cor wall*, his Minion; tho' other things also co curr'd to this great Man's fall. The Earl w not only the greatest Peer in *England*, b 'twas believed in all *Christendom*; for when h began to levy War against the King, he w possess'd of five Earldoms, which were those *Lancaster*, *Lincoln*, *Salisbury*, *Leicester* and *Derb* besides other Lordships, Lands and Possessions which made him to be much rever'd amon th

People, and the rather, becauſe of his great
nſdeeds, his Love to Religious Men, and
aintenance of a juſt Quarrel during the
urſe of his Life, ſo that many reſorted to his
ave, and giving out ſome Miracles had per-
m'd by him after his Death; he was reputed
a Saint by many, and the thing was carry'd
ar that the King was forc'd to put out an
der to ſhut up the Church Door of the
ory where he was bury'd, to prevent any
ferings to be brought, or Devotion per-
m'd in that Place.

To conclude, Hiſtory informs us, not-
thſtanding the King's great Emnity to the
rl as aforeſaid, it was not long before he
e regretted his Death, which he diſcover'd
on the following Occaſion. Some who were
out him making earneſt Application for a
rdon to a Perſon of a mean Fortune, and
e of the Earl's Followers, and preſſing the
ng hard upon it he, fell into a great Paſſion,
claiming againſt thoſe as unjuſt and wick-
Counſellors, who would urge him to ſave
e Life of a moſt notorious Varlet, and would
t open their Mouths in favour of his near
nſman, the Earl of *Lancaſter*, *Who*, ſaid he,
d he liv'd, might have been uſeful to me and the
ole Kingdom, but this Fellow the longer he lives,
more miſchief he'll do, and therefore by the Soul
God he ſhall dye the Death he has deſerved.

Of

Of Tryals by Combat or Battle in general.

A Tryal by way of Duel or Combat, made use of to prove the Justice of a Cause and to determine Controversies which could not easily be cleared any other way, was no uncommon in former Days: The Custom began about the middle Ages of Christianity. The Northern Nations set it on foot, with whom it had been a practice in ancient Times of *Heathenism*, as *Paterculus* observes, *Armis lites suas discernere*, to determine their Controversies with Blows. Upon this view *Gundebaldus* a *Burgundian* King, ordained in his Laws, *Tit.* 45. *That if one Party, who had an Oath tendered to him should refuse to take it, and cast the Issue of the Cause upon a Combat, that then in case the other Party did not yeild to the Point, they should have the Liberty granted to Fight it out.* Which way of terminating Disputes was afterwards allowed by the *Germans*, *Bavarians*, *Lombards*, *Danes*, &c.

But the *Franks* seem'd more particularly concerned in this Custom, as appears by the Life of *Lewis* the *Debonnaire*. *Bernard* Earl of *Barcelona*, being admitted Chamberlain, and at last accused of an unlawful Correspondence with the Empress; *He addressed himself to the Emperor, and desired he might be allow'd to clear himself according to the old Custom of the* Franks. *That is, That he might meet the Person who accused him within the Lists, and dis-*

prove

rove the Indictment with his Sword. This being llow'd, and no Body appearing to make the harge good againſt the Count, he was ſuffer'd o purge himſelf by Oath, and ſo that Affair nded.

Nevertheleſs it was not lawful for any Sub- ect to fight a Duel at his own Diſcretion, here was to be a legal Warrant in the caſe, nd Judges appointed to allow of the Diſpute, nd adjuſt the Circumſtance relating to it: When the Parties had leave to Fight, they epoſited a Sum of Money in the Court, hat afterwards the value of the Damages ight be paid out of that Security by him, ho was worſted, and this they called *Duellum adiare.*

Sometimes the Pledges or Securities related o the Intereſt of the Lord, being left either n his Hands, or in the Hands of the Judges, hat Part of them might be paid by way of ine; and before theſe Securities were given n, it was reckoned a great Crime to pre- end to Fight. It was likewiſe the Cuſtom or the Challenger or Plantiff to throw down is Glove, or ſome ſuch thing before the Judge, hich the Defendant, having firſt begg'd leave f the Court, took up, and by ſo doing ſhew'd is accepting the Challenge. Now after theſe ecurities had paſſed between them, 'twas not n the Power of the Plantiff or Defendant to gree the matter, without the leave of their *Lords*; for in caſe of his Refuſal to take up he Diſpute, they might be forc'd upon Fight- ng, and then the time of the Combat was aſ- ign'd, which was uſually within forty Days: his ſeems to have been the Practice of the

English and other Nations of *Europe*, that allowed of such Decision by Arms.

As to the Weapons of the Combatants if they fought on Foot, they were *Swords* and *Shields*, but if on Horseback, the Parties, and their Horses were arm'd *Cap-a-Pe*. If a Gentleman was impeach'd of a Capital Crime by a villain or inferior Person, the Gentleman had his Choice to fight on Horseback, if he pleased: And on the other side, if a Villain was challeng'd by a Gentleman, the Gentleman had the liberty to fight on Foot.

The Age in which a Man might be oblig'd to fight a Duel was One and twenty Years, and according to the *Provisions* in that case made by *Lewis* IX. of *France*, Women, Men above Sixty, Sick Persons, the Clergy and Monks, were excused from the necessity of Duelling, tho' the latter had sometimes their Champions that appear'd for them. The Penalty of those that yeilded or were worsted in the Duel, was either loss of *Member*, *Degradation* or *Hanging*, according to the Quality of the Crime.

There were several cases, in which it was not Lawful to fight a Duel; for which you may see *du Fresne* as to Foreign Affairs, which we shall not meddle with; but as to Counterpleas to the Battle in *England*, if the Appellant had any vehement Presumption or sufficient Testimony to prove that his Appeal was true, this would serve to put the Appellee from his Tryal by Battle, as if the Defendant were indicted of Felony before the Appeal commenced, or was taken within the manner, or with a bloody Knife, or other Weapon, over the Body of the Slain, or near him,

or

r that the Defendant had laid alone in the House with the Deceas'd, or that himself and others who lay there at the same time, received no Blows nor Wounds in the Defence of the Slain, made no Hue and Cry after the Thieves or Murderers, would not confess who the Person was in the House with him, that had murdered the Deceas'd, committed the Felony or received the Man that was Slain into his House, who was seen to go in alive, but afterwards was found Dead there, and no Proof how he came to his Death.

2. If the Defendant should be taken with the manner, as in an Appeal of Death with a bloody Knife or other Weapon, he shall be barred from waging of Battle. And so shall he be, if taken with the manner in an Appeal of Robbery, which manner the Plantiff must bring into Court, at the time when the Appellee offers to joyn in Battle, or otherwise he must plead that the Appellee was taken with the manner, which he would have brought into the Court if he could, or else he might say, That the manner was in the possession of another, and pray the Court to write for it; to which manner when brought into Court, the Defendant shall have no Traverse or other Exception, if the thing brought thither for the manner, varies not from those Goods or Things contain'd in the Appeal. Further, if the Appellee in an Appeal of Robbery be apprehended upon a fresh suit of Huy and Cry, and that some of the Money robbed be taken upon him; that is sufficient to put him by from waging Battle, tho' the Money cannot be dishinguish'd from other Money; for by the Appeal the Plantiff endeavours to at-

taint the Appellee of Felony, and also to have his Goods again; and perhaps, if it should be try'd by Battle, the Appellee might overcome the Appellant, tho guilty of the Felony, and thereby retain the stolen Goods, without cause, and the manner was accounted so pregnant an Evidence in former Ages, that the Judges would arraign the Prisoner upon the manner taken in his Possession, as upon an Indictment.

3. Another good Counterplea for the Appellant is, that the Defendant taken and imprisoned for the Felony, broke Prison and escap'd, or endeavour'd it, the Appellee might indeed reply to the Counterplea and traverse the Arrest for Felony or breaking Prison, if he would; or he might plead the King's Pardon for breaking Prison, which Traverse or Pardon being try'd or allow'd, he should be restored to his tryal by Battle.

4. As there were Impediments on the Defendants Part, so were also on the Appellants against the Combat; such as vehement Presumptions of the Appellant's Weakness and Infirmities, as if he were within the Age of Fourteen or above Seventy, in Orders, a Woman or maim'd, whether by the Appellee at the time he robbed or any other; or, as some have affirm'd, whether he was maim'd by the Appellee or any other: Some would have it, that the Appellant, if above Threescore, is exempt from the Combat, unless he be minded to reject the Benefit of his Age and chuse to Fight.

5. The King's Person was exempt from the Combat, so were all others to whom he was pleased to grant such an Exemption; for

such

uch a Grant was made to the Citizens of *Lon-*
on; for ſo it was, that if a Citizen would
ring an Appeal againſt another, and that the
efendant offer'd to wage Battle with him;
e Citizen could, tho' willing of himſelf,
ave that Privileges; but the Mayor and
ommonalty muſt ſue a writ out of *Chan-*
ry, directed to the Judges where that Tryal
ould be made, reciting their liberty and
aying for a ſtop to the tryal by Battle; and
o' in the ſaid caſe the Plantiff did count, that
the Defendant deny'd it, he was ready to
ove it by his Body, yet the Defendant in
s Plea could not take advantage of it; for
ey were but words of form only, and not-
ithſtanding that concluſion he might take
s tryal by the Country, or otherwiſe as the
w directed.

6. It was enacted by the Statute of 6th of
chard II. That if any Nobleman's Daugh-
rs, Ladies or other Women were Raviſhed,
d after the Rape committed, did conſent
the Raviſhers; the Husbands if there were
y, or their Fathers or other the next Re-
ions, ſhould have time to Proſecute, and
ght purſue againſt the ſame Offenders and
viſhers in that behalf, and Convict them,
o' the ſame Woman after the Rape had
nſented to the Raviſher. And in that
e the Defendant was not to wage Battle,
t the truth of the matter was to be try'd
the Country.

7. If one Appeal ſeveral Men of the ſame
lony, and they all joyned in Battle with
Appellant he is oblig'd to fight them all
e after another, unleſs he is killed by one
them before he can engage the reſt, and

if so, the others are discharged of the Appeal. But if, when the Appellant comes into the Field to fight with one of the Appellees, he'll confess his Appeal to be false in respect to him, yet that shall not discharge the rest of the Appeal, but they must proceed in their Tryal with the Appellant: Again, If one Man be appealed by Three of several Felonies, pleads not Guilty, and is ready to try it with his Body, he might fight with them all, one after another, and tho' he should overcome or kill one, this does not discharge him from the rest: But if Three Men appeal one but of one Felony, if the Appellee overcomes one, he is free from the other two; and if in that case the said two Appellants be Approvers, the other two shall be hanged.

8. All that has been said about tryal by Battle, may be apply'd as well to the Appeal of an Approver, who confesses himself to be a Felon, as to an Appeal commenced by a true Man.

If a Man be appealed of Felony and offers to wage Battle with the Appellant, but afterwards happens, not by his own Procurment, to become blind, he shall be discharg'd of the Combat. And so it is in a writ of Right; for in that case the Appellee hath pleaded such a Plea as the Law allows of, and his Incapacity to perform it comes from the Hand of God: But if after the Defendant has waged Battle with the Appellant, this last shall become blind, any way whatsoever, the Appellee shall be arraigned at the King's Suit.

This

This unaccountable Custom of putting an End to Controversies by Combat, has been severely censur'd by *Luitbrandus*, King of the *Lombards*. It has been likewise condemned by several Counsels, by some of which these Duelists stand excommunicated. Several Princes have also formerly endeavour'd to suppress this Custom, particularly our King *Henry* II. of *England*, and *Lewis* IX. King of *France*, which last forbid all sorts of Duelling in his Dominions: But it being found difficult to disengage perfectly from a Customary Practice, 'twas thought fit to qualify the matter, and bring it under Rules; The last mentioned Prince making it unlawful to engage in a Duel or Combat, unless in these four following Cases. 1st. That the Crime to be purged must be Capital. 2d, That the truth of the Fact must be beyond Question. 3dly, That the Person impeach'd was publickly scandalous for it; and 4thly, That the Charge could not be otherwise proved by legal Testimony.

But let us confine ourselves wholly to our own Practice in matters of Combat, of which there were two sorts; the one settled and adjusted in the Marshal's Court; and the other before the Judges at Common Law: Both of them were managed with much Form and Solemnity. We shall begin with that in the Marshal's Court; the History of which shall be taken from a Book drawn up in the Reign of King *Richard* II. by *Thomas*, Duke of *Glocester*, the King's Unkle, who was Constable of *England* in right of his Wife *Elenor*, Eldest Daughter of *Humphrey de Bohun*, Earl of *Hereford*. It begins thus:

To his most Excellent, and most Potent Liege Lord, Richard, *by the Grace of God, King of* England *and* France, *Lord of* Ireland, *and Duke of* Aquitain.

May it please your Highness:

YOUR Liege Subject, *Thomas*, Duke of *Gloucester*, takes the liberty to acquaint your Highness, that since there has been a great many Duels fought within the Lists, in your Kingdom of *England*, in the Presence of my Reverend Lord and Father, your Grandfather, (on whose Soul the Lord have mercy) and likewise in your Highness's Reign and Presence, not to mention a great many more ancient Instances, and that several Persons, as Experience shews, have found Benefit by this Expedient. And since no martial Undertaking is more honourable than this way of dispute; the Cognizances and Regulation of which belonging to your Majesty, to the intent that the Combat may be fairly managed. And since there are great diversity of Methods, Orders and Customs concerning this matter; both in your Majesty's Kingdom and else where, which Customs and Laws of Duelling have not hitherto been set down in writing. For these Reasons that your Majesty and your Successors may with the greatest ease do Justice both to your Liege Subjects and to Foreigners, who are willing to end their Differences by Combat

before your Majesty; I your Majesty's
e Subject and Constable, take the liberty
present your Majesty with this Book,
erning the Law and Management of
lling: Not that I think it perfect and
out faults; being conscious that it may
easily mended, and therefore I humbly
ech your Noble Highness, that your Grace
please to peruse this Book, and correct
ither by adding or taking away, as your
jesty shall think fit, taking the Opinion
Advice of those Noblemen and Knights,
t remarkable for Prudence and Bravery,
who are supposed to have the best Skill
Military matters.

mprimis, The Declaration, Bill or Libel of
Appellant or Plantiff, and Defendant,
l be pleaded before the Constable or Mar-
l in their Courts; and when they can-
make out the Cause for want of sufficient
dence, so that there seems a necessity of
ling it by Blows, in that case the Consta-
is impowered to Authorize a Duel, as
ng the Substitute or Deputy of God and
King: The Duel being ordered by the
nstable, he is obliged by his Office to ap-
nt Time and Place, but so as not to fix
ooner than Forty Days after the Order,
less by the consent of the Challenger and
Defendant.

After this, the Constable is to appoint them
ir Weapons, *(viz.)* a long Sword, a short
ord and a Dagger; and here the Challenger
d Defendant are to give sufficient Security,
t they will appear at the Day assigned;
Challenger to spend his whole Strength
on the Defendant, and the Defendant to

do

do his best against the other. For this pur-
pose the Challenger has the Day and Hour
set him, to make good his Proof, and is ob-
bliged to be first in the Lists to discharge
his Bail. In the mean time both of them are
obliged not to molest, damnify or insult each
other by themselves, or by any other of their
Friends or Party. The Place or Field must
be assigned by the King, and the *Lists*, that
is the Rails and Inclosure set up and fix'd by
the Constable: And here Care must be taken
that the length of the Lists be Sixty Paces
and Forty in breadth; that they are strong and
well fixed; that the ground be firm, hard and
even, without any great Stone in it: They
are likewise to have one Gate on the East
side, and another on the West; that the
Rails be substantial and strong, and Seven
Foot high or better.

We are likewise to take Notice that the
Principal Lists are to be surrounded with-
thers called *Faux* Lists, or false Lists, wherein
the Constable's and Marshal's Servants and
the *Sergeants at Arms*, are to be planted,
to prevent all Tumults and Disturbances,
contrary to the Rules and Proclamations of
the Court if any disturbances arise contrary
to the Respect due to the King's Majesty,
or to the Laws of Duelling, for which pur-
pose the Servants are to be arm'd at all
Points.

The Constable may have as many of these
Servants as he pleases, but the Marshal is to
have no more than those appointed him by
the Constable.

The King's *Sergeants at Arms* are to have the
charge of the Gates of the Lists; and if any

Body

dy is to be arreſted, they are to ſeize him the Conſtable's or Marſhal's Order.

Upon the Day of the Combat, the King is ated on his Throne, or upon a Scaffold; at e lower Step of which, there is to be a Place r the Conſtable and Marſhal, who are o-g'd to be preſent.

Then the Bail of the Challenger and De-ndant ſhall be call'd upon, to enter the ſts before the King, and brought into the ourt as Priſoners, till the Plantiff and De-ndant appear within the Liſts, and take eir Reſpective Oaths.

When the Plantiff or Appellant comes up-n the Spot to make good his Challenge, he all walk or ride to the eaſt Gate of the iſts, appointed with ſuch Weapons as the ourt has aſſigned him, where he is to ſtay ll introduced by the Conſtable and Mar-hal to the Gate above mentioned; and hen the Conſtable is to ask him who he is hat comes arm'd to the Gates of the Liſt? What is his Name? and his Buſineſs? To his the Challenger anſwers, I am *A. de K.* he Appellant, and come hither, *&c.* to per-orm *&c.* Then the Conſtable ſhall lift up is *Beaver*, (or, as the old Manuſcript has it, he viſier of his *Baſinet*) that he may ſee his Face perfectly, and be certain he is the Plan-iff; and being ſatisfied, ſhall order the Gates of the Liſts to be opened, and bring him in with his Armour, Weapons, Proviſions, and other lawful Conveniences, together with ſome of his Friends. Then he is to bring him before the King, and afterwards to con-vey him into his Tent till the Defendant ap-pears. The ſame Ceremony is to be paſs'd up-

on

on the Defendant, excepting that he is to be brought in at the Western Gate of the Lists.

The Constable's Clerk shall enter the Appearance of the Challenger, the Hour he came, and that he walked on Foot into the Lists. He is likewise to register his Harness or Armour, how many Weapons he was furnish'd with; what Provisions and other Necessaries he brought along with him. And the same method shall be used with the Defendant.

The Constable shall likewise take care that no Person belonging to the Challenger or Defendant, brings in more Weapons or Provisions than the Court has ordered.

And if it happens that the Defendant does not make his Appearance at the precise time assigned him by the Court, the Constable shall order the Marshal to have him summoned at the four corners of the Lists, in these Words: *O Yes, O Yes, O Yes,* C. *of* D. *Defendant, makes your Appearance to do your Office and discharge your Bail, which you have undertaken to perform this Day before the King, the Constable and Marshal in your own Defence, against the Charge which* A. *of* B. *has brought against you.*

And if he does not appear exactly at the Hour, he is to be summoned a second time in the same manner; the Cryer adding in the end of the Summons, *Come, the Day slips away apace.* And if he does not appear then he must be summoned a third time, which must be done between the Hours of Nine and Three a clock in the manner above mention'd; only this last time the Cryer must say: *The Day slips away apace, and 'tis just upon the Hour of Three, make your Appearance therefore*

e at the Hour of Three aforesaid, and no latter your Peril.

Now tho' the Constable prescribes the Defendant his exact time, yet if he stays till ll Three, or rather past, they cannot give dgment against him, whether he is charg'd th High Treason or not; but the case is herwise with the Challenger, who is oblig'd appear exactly at the time set him by e Court; neither will the Impeachment High Treason, or any other Pretence be mitted as an Excuse.

The Challenger and Defendant being end into the Lists, with their Armour, eapons, Provisions and Friends, according the Appointment of the Court, the Conble is to ask the King, whether he please assign any Lords or Knights for the reining Ceremony? Or, whether his Royal easure is, that the Parties should take their ths before his Majesty, or before the Conble and Marshal.

The Challenger and Defendant must likese be searched by the Constable and Marl, to examine whether they have any oer than lawful *Weapons* about them; and if y such are found about them, they must taken away; for neither Reason, good ith, nor the Law of Arms, will endure any l Play or tricking in a business of this Nare: And here we are to understand, that e Challenger and Defendant may make use as good defensive Arms as they can.

Then the Challenger and his Friends shall call'd, first by the Constable, and then by e Marshal, to take his Oath: And here e Constable shall interrogate him, if he has any

any farther Protestation to make, and th
he would deliver it fully in Writing; f
after this time, it will not be in his Pow
to make any more Protestations.

The Constable's Clerk being ready, sh
produce a Missal open, and then the Co
stable shall order the said Clerk to read t
Challenger's Bill or Libel aloud, from t
beginning to the end. When this Bill is re
over, the Constable shall say to the Challe
ger; *You*, A. *of* K. *are well apprized of this B*
and Security, which you have given into the Cou
Put your right hand here on the holy Book, a
swear as follows. You A. *of* K. *this Bill of yo*
is a true Bill, in all Clauses and Points, from t
beginning to the end, and that it is your Design a
Intention to make good the Contents of it aga
C. *of* B. *So help you God, and the Contents*
this Book.

The Oath being thus taken, he shall
convey'd to his Place and the Constable sh
order the Marshal to call in the Defenda
where the same things, *mutatis mutandis* sh
be repeated.

The Constable shall order the Marshal
call in the Appellant once more, and th
causing him to lay his Hand upon the Mi
sal above-mention'd, shall say, A. *of* B
make Oath, that you neither have, nor will ha
any thing or things (Mo Poynte ne Poynte)
bout you or upon your Body, excepting those allo
you by the Court, viz. *a long Sword, a short Swo*
and a Dagger; neither will you make use of a
Means or Assistances extraordinary, nor carry a
Magical Stone, Plant, (Stone of Vertue, or He
of Vertue) *Charm mystical Experiment, or Ch*
racter, nor any other sort of Magical business.

you, or for you, by which you expect to gain a e easy Conqueſt of your Adverſary C. *of* B. *who his Day to enter the Liſts in his Defence againſt ; you likewiſe ſwear, that you place your Confi- ce in no other thing excepting God, your own bs, and the Juſtice of your Cauſe: So help you , and the Contents of this Book.*

his Oath being thus taken, he is to be ried back to his place, and then the ſame emnity is to paſs upon the Defendant.

The Oaths being over, and the Servants d Friends of the Combatants remov'd from m, the Conſtable ſhall order the Marſhal call for the Challenger and Defendant, who ng brought out of their reſpective Tents, ll be under Guard of the Conſtable's and rſhal's Servants, and the Conſtable ſhall ak to both of them as follows: *You* A. *of the Appellant, ſhall take* C. *of* B. *the Defen- t by the Right Hand, and ſo ſhall you him in- changeably: And here we charge each of you, in King's Name, and at the Peril of loſing your uſe, if either of you fail in the Circumſtances en- ned; we charge I ſay, that neither of you be ſo eful as to do each other any Miſchief, Preju- e, or Damage, by any unfair thruſting, or other- e in ſhaking Hands.*

This Order being pronounc'd, the Con- ble ſhall bid them take each other by the ght Hand, laying their Left upon the Miſ- , and ſhall ſay to the Challenger: *You* A. K. *Appellant, make Oath, by the Sign of good ith, which you put in your Adverſary's Hand, of* B. *the Defendant, and by all the Holy Con- ts which you touch with your Left Hand, that s Day, before Sun ſet, you will do your utmoſt, cording to the beſt of your Strength and Skill, to*

make

make good your Impeachment againſt C. *of* B. *your Adverſary, to force him to yield and recant* (or ant to cry or ſpeak) *or elſe to kill him outright, before you go out of the Liſts, within the time allotted you by the Court, upon the Faith of an honeſt Man, as God ſhall help you, and by the Contents of this Book.* The Defendant takes the ſame Oath, *mutatis mutandis.*

Then the Conſtable ſhall order the Marſhal to make Proclamation at the four Corners of the Liſts, in this manner: *O yes, O yes, O yes, we Charge and Command, in the Name of the King, Conſtable and Marſhal, that no Perſon of any Quality, Rank, Condition or Country, Great or Small, Native or Foreigner whatſoever, be ſo hardy as to preſume to come within four Foot of the Liſts, nor to Speak, Shout, Nod, nor make any Sign, Noiſe or Sound, whereby either of the Parties,* A. *of* B. *the Challenger, or* C. *of* B. *the Defendant, may have any Advantage againſt each other, under the Penalty of forfeiting Life, Limbs and Goods, at the King's Pleaſure.*

After this the Conſtable and Marſhal ſhall remove all People out of the Liſts, except two Knights, their Deputies, who, as the old *Engliſh* expreſſes it, *ſhall be arm'd upon their Bodies,* or *Cap-a-pee*; but then they are to carry in no Knife, Sword or other Weapon which the Appellant or Defendant may ſnatch from them, and make uſe of: But the ſaid Deputies of the Conſtable or Marſhal ſhall each of them have a Pike, without a Head, to part the Combatants, if the King ſhould not order it, either to give them Breath, or for any other Reaſon his Highneſs ſhall think fit.

An

And here it is to be obſerv'd, that if ei-
her Meat, Drink, or any other lawful Con-
eniencies, are to be given to the Challenger
r Defendant, after their Friends and Ser-
ants are remov'd, the furniſhing of thoſe
hings then belongs to the Heralds, who are
kewiſe to make Proclamation in Court;
hich Heralds or Purſivants ſhall have a Place
ſign'd them by the Conſtable and Marſhal,
near the Liſts as conveniently may be,
nd ſo that they may ſee what paſſes, and be
ady to execute their Office.

The Challenger in one Place being guarded
the Conſtable and Marſhal's Order, and
e Defendant likewiſe in another, and both
them prepar'd and arm'd by their Atten-
nts and Keepers, the Marſhal ſtanding by
e of them, and the Conſtable's Deputy by
e other; the Conſtable himſelf being in
s Place by the King, and the Combatants
ady, as aforeſaid, to encounter each other:
he Conſtable ſhall pronounce, with an au-
ble Voice, *Laiſſez les aller, Laiſſez les aller*;
at is, *Let them fall on:* And then pauſing
while, *Laiſſez les aller*; and then making
nother little Pauſe, *Laiſſez les aller, & faire*
r Avoir au nom de Dieu; Let them take their
liberty, and do their Duty in God's Name.

This being pronounc'd aloud, every Body
to ſtand off from the Combatants, that
ey may Charge each other, and do what
ey have a mind to. And now neither the
hallenger nor Defendant are allow'd to Eat
Drink any thing without the King's Leave,
der the Penalty of the Court, unleſs they
is by joint Conſent.

The Combatants being thus engag'd, the Conſtable is oblig'd to obſerve the Diſpute with all the Niceneſs and Care imaginable: for if the King has a mind the Challenger and Defendant ſhould be parted, to reſt, or make a halt, or for any other Reaſon whatſoever, the Conſtable is to take Notice in what Condition they are parted, that they may be return'd again to the ſame State, Poſture and Circumſtances, in every particular. If the King has a mind they ſhould Fight again, the Conſtable is likewiſe obliged to liſten and look with all poſſible Exactneſs and obſerve whether either of them mentions yielding, or any thing elſe material, for to him only it belongs to give in Evidence and to record the manner of the Combat, and no other.

If the Duel is fought upon an Impeachment of High Treaſon, the Party beaten muſt, by the Conſtable's Order, be diſarm'd within the Liſts, a Corner of which muſt have a Gate made in them, thro' which he is to be dragged out by Horſes from the Place where he was diſarm'd, to the Place of Execution, there to be beheaded or hang'd, according to the Cuſtom of the Court. This part belongs to the Marſhal, whoſe buſineſs it is to inſpect the Matter, and order the Execution, to walk, ride, and be always about the guilty Perſon, till the Execution is over, and all the Infamy and Puniſhment have paſs'd either upon the Challenger or Defendant; for Reaſon, Equity, and the Laws of Arms, require that the Challenger ſhould ſuffer the ſame Puniſhment with the Defendant, if he happens to be beaten or yields.

But

But if the King has a mind to put up the Quarrel, and make them Friends, not permitting them to Fight any longer, the Conſtable ſhall take hold of one of them, and the Marſhal of the other, and bring them before the King; and as his Highneſs orders, the Conſtable or Marſhal ſhall Conduct them to one ſide of the Liſt being exactly even with one another: So that neither of them ſhall be the leaſt Step before. For when the King undertakes to put an End to the Controverſy, it would not be honourable nor fair, that one of them ſhould be treated worſe than the other. Now, as very old Men report the Cuſtom, 'tis a ſort of Diſhonour to go firſt out of the Liſts, in the Caſe of High Treaſon, or any other.

The *Poynte*, and *Armour broken*, are, as the old *Engliſh* calls it, the Heralds Fees, and likewiſe whatever the Challenger or Defendant ſnatches, or lets go, after they are enter'd the Liſts; and ſo are all the Weapons and Armour of the Vanquiſh'd, whether Challenger or Defendant.

The *Liſts* and *Rails*, which they call the Bars, and the Poſts belong to the Marſhal.

There are but very few Examples, either in our Hiſtories or Records, of ſuch ſorts of Tryals as thoſe by Combat. One that occurs to us was that in the 3d and 4th of the Reign of King *Richard* II. *Anno* 1380. between *Anneſley* and *Katringon*; but firſt we'll ſet down one of another Nature, becauſe firſt in order of Time.

A short but very singular Tryal and Acquitment of Cecely de Rygeway, *for the Murder of her Husband.*

THERE is nothing more singular in the whole Course of our Histories and Records, than the following Case and Manner of the Tryal of a Woman for killing her Husband; which in a few Words was thus. In the 31st Year of the Reign of that glorious Prince *Edward* III. and that of our Lord 1347. there was one *Cecely de Rygeway* indicted for the Murder of her Husband; but she refusing to plead, and continuing Mute, notwithstanding all the Threats and Arguments the Judges could use to her: They adjudged her at last to fast Forty Days together in close Prison, without any Meat or Drink at all. This she actually did.

For Proof of this extraordinary Abstinence, I shall produce a Copy of the Record lodged in the *Tower* of *London*. It runs thus:

Ex

Ex Rot. Paten. de Anno Regni Regis Edwardi *tertij* 31. *Parte* 1. *Memb.* 11.

REX omnibus Ballivis Fidelibus ſuis, ad quos, &c. *Salutem. Sciatis quod cum Cecilia quæ fuit Uxor Johannis de Rygeway, nuper indictata de Morte ipſius Johannis Viri ſui, & de Morte illa coram Dilect. & Fidelibus Noſtris Henrico Grove, & Socijs ſuis Juſtic. Noſtris ad Goalam Noſtram Nottyngh. Deliberand. Aſſign. Allocuta pro eo, quod ſe tenuit Mutam ad Panam ſuam extitit Adjudicata, ut dicitur, in qua ſine Cibo & Potu in Arcta Priſona per Quadraginta dies vitam ſuſtinuit, Via Miraculi, & quaſi contra Naturam Humanam, ſicut ex Teſtimonio accepimus fide digna. Nos, ea de Cauſa, Pietate Moti, ad Laudem Dei, & Glorioſæ Virginis Mariæ Matris ſuæ, unde dictum Miraculum proceſſit, ut creditur, de Gratia Noſtra ſpeciali Pardonavimus eidem Ceciliæ Executionem Judicij Prædicti; volentes quod eadem Cecilia a Priſona prædicta deliberetur, & de Corpore ſuo ulterius non ſit impetita, occaſione Judicij prædicti, in cujus,* &c. *teſtimonium R. Apud Weſt.* XXV. *die Aprilis.*

Per Bre. de Privatio Sigillo

Convenit cum Record.

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Convenit cum Record.

In *English* in runs thus:

'THE King to all Bailiffs and other his 'Liege Subjects, to whom these Presents 'shall come, *&c.* Greeting: Be it known unto you, that whereas *Cecily*, who was the 'Wife of *John Rygeway*, was lately indicted 'for the Murder of the said *John* her Husband, and brought to her Tryal for the 'same, before our beloved and faithful *Henry Grove*, and his Brother Judges at *Nottingham*; but that continuing Mute, and refusing to plead to the said Indictment, she 'was sentenc'd to be committed to close Custody, without any Victuals or Drink, for 'the space of Forty Days; which she miraculously, and even contrary to the Course 'of Human Nature, went thro'; as we are 'well and fully assured of from Persons of 'undoubted Credit: We do therefore for 'that Reason, and from a Principle of Piety 'to the Glory of God, and of the blessed 'Virgin *Mary*, his Mother, by whom it 'thought this Miracle was wrought, out of 'our special Grace and Favour, pardon the 'said *Cecily* from the further Execution of the 'Sentence upon her, and our Will and Pleasure is, that she be freed from the said Prison, and no further trouble given her upon 'the Account of the said Sentence, *&c.*

In Witness whereof, *&c.*

The History of a Tryal by Combat between Sir John Annesley, *Knt. and* Thomas Katrington, *Esq; in the* 3d *and* 4th *of King* Richard II. *Anno* 1380.

SIR *John Chandois*, a very famous Soldier in the Reign of *Edward* III. King of *England*, had for his many eminent Services in the *French* Wars, a Grant made him by that Prince, among several others, of the Barony of St. *Saviour's* in the Isle of *Constantine* in the Dutchy of *Normandy*, where he built St. *Saviour's* Castle; but dying at length without Issue, and leaving his three Sisters his Heirs, Sir *John Annesley*, as I take it, marry'd one of them; tho' most of our Historians say, she was nearest Cousin by Affinity to Sir *John Chandois*, as they express it: Be this as it will, the Command of that Castle being committed to the Care of Mr *Katrington*, to defend it against the Enemy; *Annesley* charg'd him, that he had sold it to the *French*, being otherwise under no manner of Necessity to give it up, seeing he was sufficiently provided with Men, Ammunition and Provision: And therefore since the same by Inheritance appertained to Sir *John Annesley*, in right of his Wife, if the other had not basely given it up to the Hands of the Enemy, he offer'd, for want of more sufficient Proof, to try the Quarrel by Com-

bat against *Katrington*; upon which this last was apprehended and clapt up in Prison; but soon after set at Liberty again.

John of *Gaunt*, Duke of *Lancaster*, during the late Sickness of his Father, King *Edward* III. governing every thing at his Pleasure, it was believed that *Katrington* obtain'd his Liberty for the time by the Interposition of the Lord *Latimer*, who had a great Interest in the Duke of *Lancaster*: So that Sir *John Annesley* could not obtain any manner of Satisfaction of his Adversary, till King *Richard* had been seated between three and four Years upon the Throne. Those Persons who had apprehensions they might have the like Offences laid to their Charge, put a Stop to the Business, till at length it was decided by the judgment of some redoubted and old Knights. That in respect it was a Foreign Controversy, which did not arise within the Confines of the Realm, and concerned the Possession of things beyond Sea, it was lawful to have it try'd by Battle, provided due Notification was first made to the Lord High Constable and Earl Marshal of *England*, and that the Combat was agreed to by both Parties; Upon which the Day and Place were appointed, and all things got ready, with Lists rail'd, and so substantially made, as if they were to last to all future Ages. The Concourse of People that came to *London* to see this Tryal, was thought to exceed that at the King's Coronation, so desirous were Persons from all Parts to go to behold so strange and uncommon a Sight.

The

The ſeventh Day of *June* in the Year 1380. s the Day appointed, upon which the King, bility and Commonalty repair'd in the rning to the Liſts, into which Sir *John neſley* being well arm'd and mounted on a Horſe, ſeemingly trapped, firſt enter'd Appellant, waiting till the Defendant his verſary came, and ſoon after the Defen- t was ſummoned to come and defend his uſe, in the following form. Thomas Ka- ngton, *Defendant, come and appear to ſave the ion, for which Sir* John Anneſley, *Knt. and pellant, has publickly and by writing appealled thee.* ng thus cited thrice to appear by a Herald, came at the third Summons, likewiſe n'd, being mounted on a Horſe with appings embroider'd with his Arms. Upon Approach to the Liſts, he alighted from Horſe, leaſt, according to the Law of ms, the Conſtable ſhould lay Claim to him, e enter'd with him within the Liſts: But s Precaution, as it happen'd, ſignify'd no- ng, for the Horſe, after his Maſter had ghted, ran up and down by the Rails, one ile thruſting his Head, and at another e, his Head an Breaſt over; ſo that *Thomas*, n Earl of *Buckingham*, afterwards Duke of *uceſter*, and the King's Unkle, as he was rd High Conſtable, laid his Claim to him, d ſwearing that he would have ſo much of m as had appear'd over the Rails, the Horſe s adjudg'd to be his Due, and ſo he had m.

But to the Buſineſs of the Combat. The denture was produc'd by the Marſhal and nſtable, which had been made and ſealed

in

in their Presence, with the Consent of th Parties; wherein the Articles were contain which the Knight had exhibited against th Esquire, and the same were read then alou before all the People. *Katrington*, whose Con science was thought to be so far from clea that he was really guilty, seem'd to be ruffle and in much Confusion, and went about t raise Exceptions and to offer Reasons, to mak them believe he was in the Right: But th Duke of *Lancaster* finding him thus demu upon the Matter, swore, that unless he would pursuant to the Rules of Combat, and th Law of Arms, acquiesce with every thing con tain'd in the Indentures, which were draw up and executed with his own Approbatio and Consent, he should be forthwith execu ted, as guilty of High Treason. The Duke by expressing himself so fully and openly was highly extoll'd, and thereby wash'd o the shrewd Suspicions that had been enter tain'd of his Partiality in *Katrington*'s Favour *Katrington* hearing this, said aloud, that h durst fight with Sir *John* upon this or any othe Quarrel, for he trusted, *says our Historian*, more to the Strength of his Body, and the Favou of his Friends, than to the Cause he had un dertaken to defend: For he was indeed a ve ry lusty Man, whereas the Appellant wa among the least of those of a middle Stature *Katrington*'s Friends, in whom he most confi ded, and had most Expectations from, were the Lords *Latimer* and *Basset*, with some o thers, who nevertheless could in this Juncture give him no other Assistance than with their good wishes.

The

The Appellant and Defendant both, be-
e they began the Combat, were oblig'd
take an Oath, that the Cauſe for which
ey were to fight, was Juſt and True, and
at they had nothing at all to do with
itchcraft or Magick, by the Aſſiſtance
hereof they might obtain the Victory over
eir Adverſary; nor that they carry'd about
em any Herb or Stone, or other kind of
harm whatſoever, by which Magicians
ere wont to triumph over their Enemies.
hen this was over, and that both of them
d very devoutly perform'd their Devoti-
s, they addreſs'd themſelves to fight, firſt
ith their Spears, then with their Swords,
d laſt of all with their Daggers. They
ught a long time, but at length the Ap-
llant diſarm'd his Enemy of all his Wea-
ons, and bravely bore him down to the
round: His deſign was to fall upon him,
t the Sweat that ran down from under his
elmet dazling his Sight, he fell down ſide-
at ſome diſtance from him; which being
bſerv'd by *Katrington*, tho' he was in a man-
er quite ſpent in the Action, yet he made
the Knight, and threw himſelf upon him;
that many of the Spectators expected he
ould have been worſted, while others were
hopes he would recover his Feet again, and
et the better of his Adverſary.

The King in the mean time order'd Pro-
lamation to be made, that they ſhould pro-
eed no further, and that the Knight ſhould
e raiſed up, his Majeſty deſigning to decide
he Matter between them: Others were alſo
ent to take up the Defendant; but the
Knight

Knight intreated those that came to h
him up, to tell the King, he would be plea
to let them lye still, for he thanked God
was very well, and did not doubt but to o
tain the Victory, if they would place his A
versary upon him in the same Posture as h
was in before: But that being not grante
they took him up, and he was no sooner u
on his Feet, but he chearfully walked to th
King, without any Assistance; whereas *K*
trington could neither stand nor go witho
two Men to support him, and therefore h
was set in his Chair to rest, and see if h
might recover his Strength.

The Knight when he came into the King
Presence, besought his Majesty and his Nobi
lity to allow he might presently be laid o
the Ground in the same Posture as before
and the other upon him, for he found hi
Adversary, thro excessive heat and the weigh
of his Armour, was grown exceeding faint
and his Spirits in a manner quite gone. Now
the King and his Council finding the Knight
resolutely bent to try out the Combat, and
offering large Sums to obtain leave for it
decreed they should be both put into their
former Posture. The Defendant in the In-
terim being seiz'd with a fainting Fit, fell
out of his Chair, as if he would have dy'd
away presently; upon which the By-standers
threw Wine and Water into his Face, but
they could do him no good, till they pull'd
off his Armour and other Apparel; which
was a Proof of the Knight's having obtain'd
the Victory, and so indeed it was ad-
judged.

Katrington

Katrington ſoon after began to come to
nſelf, to open his Eyes, and to hold up his
ad a while, but look'd very ghaſtly on
ſe who were about him. This being told
John Anneſley, he went up to him in Ar-
ur as before, for he had not yet put it
, and calling him Traytor and a wicked
jurer, ask'd him, If he durſt encounter
h him any more; but *Katrington* having
ther Senſe nor Spirit to make him an An-
er, Proclamation was made that the Com-
was over, and that every body ſhould
pair to their own Homes.

Katrington immediately upon this being con-
y'd to his Lodgings, was put to Bed, but
ſoon grew raving Mad, and ſo continued
about Nine a Clock the next Day, when
gave up the Ghoſt.

The

The History of the Combat betwe Henry Plantagenet, *or of B* lingbroke, *then Duke of Her* ford, *afterwards of* Lancaſte *and King of* England *by the Na of* Henry IV. *and* Thomas Mo bray, *Duke of* Norfolk, *E Marſhall of* England *in the Te* 1397. *and* 21*ſt of* Richard II.

Hiſtorians do not rightly agree whet it was the Duke of *Hereford* or the Du of *Norfolk* made the firſt Complaint; m of our modern Writers ſay, that the Du of *Hereford* one Day in a familiar Conver tion with the Duke of *Norfolk*, complain that the King too much undervalued t Princes of the Blood, and much diſcoun nanc'd thoſe of the Nobilty from interme ling with publick Affairs; that inſtead theſe he was wholly led by new and upſt Favourites, who had neither Abilities for t Affairs of Peace or War, but were genera hated and deſpiſed throughout the Kingdo to the ſullying of the King's Honour, and t endangering of the Government; that t Dignity of the Kingdom was much impair matters of Peace and War being in unskil hands, from whom no Good could be e pected: That it was high time the Ki ſhould look about him; for the Nobility w

diſcoura

ſcourag'd, the Commons hopeleſs, and the eople in general full of Murmurs and Diſntents: He affirm'd, he ſaid this not out of will to any Perſon, but out of Concern for e Publick and the honour of his Sovereign, d therefore he deſir'd the Duke, who was ne of the Cabinet Council, to lay before s Majeſty thoſe Dangers, and Deformities of tate, that by repairing of the one, he might ccesfully repel the other: They proceed nd ſay, the Duke of *Norfolk* ſeem'd at firſt approve of what the other had ſpoke; ut afterwards miſrepreſenting his Words to e King, it occaſion'd the Quarrel between hem.

Other Authors of much more ancient Date, nd very good Authority relate, That in a arliament held at *Shrewsbury*, the Duke of *Hereford* accuſed the Duke of *Norfolk* of cerin Words that paſſed between them, as they ode a little before between *Branford* and *Lonon*, which tended highly to the King's Diſonour, and for a farther Proof thereof, ſays *Walſingham*, he preſented a Petition to the ing, wherein he Challenged the Duke of *Norfolk* to ſingle Combat. The Petition was ead in the King's Preſence before both the Dukes; upon which the Duke of *Norfolk* declar'd, *That whatever the other ſaid to his diſonour, It was a Lye.* Then the King asking he Duke of *Hereford* what he had to ſay: He ook his Hood off his Head and reply'd, *My overeign Lord, I do Juſtify every Word contained n my Petition, and ſay,* Thomas Mowbray, *Duke of* Norfolk, *is a Traytor, falſe and diſloyal o your Majeſty, to your Crown and Dignity and ll the States of your Realm.*

The

The Duke of *Norfolk* being asked what he had to say, answer'd *Right dear Sovereign, with your leave and all due Deference had to your Majesty, I say that your Cousin,* Henry *of* Lancaster *Duke of* Hereford, *Lyes, like a Traytor as he is, in that he hath or shall say any thing dishonourable of me:* Said the King, *No more, we have heard enough*; and then commanded *Thomas Holland,* Duke of *Surrey,* made Marshal of *England* for that Occasion, in his Name to take both the Dukes into Custody: The Duke of *Lancaster, Hereford*'s Father, the Duke of *York* his Unkle, the Duke of *Aumarle,* his first Cousin, Constable of *England,* and the Duke of *Surrey,* were bound for him Body for Body; but the Duke of *Norfolk* was not suffered to give Bail, and so was convey'd Prisoner to *Windsor* Castle.

There was a Day appointed about Six Weeks after the Dissolution of the Parliament held at *Shrewsbury,* for the King to go to *Windsor* in order to determine the Difference between the Two Dukes who had challenged one another. A Scaffold was erected within the Castle for the King and the Nobility and Prelates to sit on, and having taken their Places accordingly, the Two Dukes were brought before the King, and then Sir *John Bushy,* in the King's Name declar'd to all present, *That whereas the Duke of* Hereford *had presented a Petition to the King, who was ready to administer Justice to all Persons that demanded it; he therefore would now hear what both the Dukes had to say*; but first he commanded the Dukes of *Aumarle* and *Surrey* who were the one Constable, and the other Marshal, to go to the Appellant and Defendant,

ant, and to require them from him to ccommodate Matters; but both of them re- lutely anſwer'd, It was impoſſible for them o be reconciled. The King commanded they hould forthwith be brought into his Pre- ence; a Herald proclaiming with a loud oice that they ſhould appear, each of them o ſhew his Reaſons, or elſe without any ore ado to become Friends.

The King himſelf upon their appearing be- re him, exhorted them to be reconciled, ying, *It would be their beſt way to do it.* Up- n which the Duke of *Norfolk* having made is Obedience, ſaid, *It could not be done, and is Honour ſaved:* Then the King ask'd the Duke of *Hereford*, *What it was that he demanded of the Duke of* Norfolk, *and what was the Rea- on that they could not be reconciled?* Upon this Knight appear'd, and having obtained leave o ſpeak for the Duke of *Hereford*, ſaid, *My overeign Lord, Here is* Henry *of* Lancaſter, *Duke of* Hereford, *and Earl of* Derby, *who ſays, nd I alſo for him, that* Thomas Mowbray, *Duke of* Norfolk, *is a falſe Traytor to your Roy- l Majeſty and the whole Kingdom. Farther, the Duke of* Hereford *ſays, and I for him, that* Tho- as Mowbray, *Duke of* Norfolk, *has received ight thouſand Nobles for the Payment of the Gar- ſon of* Calais, *which he has not done: Again, hat the ſaid Duke has been the Cauſe of all the reaſons form'd in your Dominions theſe Eighteen ears, and that it was thro' his falſe Suggeſtions nd evil Council, that your dear Unkle the Duke f* Glouceſter *was put to death and murdered: Moreover, the Duke of* Hereford *ſays, and I for im, that he will prove this with his Body againſt he Body of the ſaid Duke of* Norfolk *within the*

Lists. The King growing angry hereupon, asked the Duke of *Hereford*, *Whether those were his Words?* To which he answer'd, *My dear Sovereign, They are; and I demand Justice should be done me, and that I may engage him in a Combat.*

There was also another Knight, who having obtain'd leave to speak for the Duke of *Norfolk* said, *Most dread Sovereign, Here is* Thomas, *Duke of* Norfolk, *who answers, and I for him, That all that* Henry *of* Lancaster *has said and declar'd, with all due Deference to the King's Majesty and his Council, is a Lye; and the said* Henry *of* Lancaster *hath falsely and wickedly Lyed like an unworthy and disloyal Knight and both has been and is a Traytor against your Majesty, your Crown and Kingdom. This I will prove and defend as becomes a Loyal Knight, with my Body against his. I therefore beseech your Majesty and your Council, that you would be pleased in your Royal Wisdom, to consider and observe what* Henry *of* Lancaster, *Duke of* Hereford, *such an One as he is has said.*

The King then asking the Duke of *Norfolk* if these were his Words, and whether he had any more to say. The Duke answer'd, *Royal Sir, I own I have received such a Sum of Gold for the Payment of the Garrison of* Calais, *which I have done, and do aver, that that Town is as well provided pursuant to your Commands, as ever it has been, and that there never was any Complaint made from thence to your Majesty by any Body against me. Most dread Sovereign, as to the Voyage I made into* France, *about the Business of your Marriage, I received of you no Money at all of any kind, nor for that made by the Duke of* Aumale *and my self into* Germany. *I must own that I*

nce lay in wait for the Life of the Duke of Lancaſter, *who ſits there, but that he has forgiven me, nd there is a good Underſtanding between him and , for which I give him my hearty Thanks: This s what I have to anſwer, being ready to defend ny ſelf againſt my Adverſary, and therefore I beeech your Majeſty that I may have a Combat with him, and that righteous Judgment be given hereupon.*

This done, and the King having for a ſhort ime adviſed with his Council, the two Dukes were again commanded to appear, ſo as that heir Anſwers might be heard, and his Maeſty having commanded them once more to e interrogated, whether they would not agree and be Friends, they both abſolutely refuſed it; and the Duke of *Hereford* about he ſame time throwing down his Gauntlet, he other took it up. The King being fully aſſured of their Obſtinacy, Swore by St. *John Baptiſt*, that he would never endeavour to Reconcile them again; and therefore Sir *John Buſhy* in the King and Council's Name, declar'd, That it was their Reſolution and Pleaſure, hat they ſhould have a Day of Battle appointed them at *Coventry*. Authors cannot exactly agree as to the Day; ſome laying it was upon a *Monday* in the Month of *Auguſt Anno* 398, and the 21ſt of King *Richard* II. others upon St. *Lambert*'s-Day the 17th of *September*, nd ſome on the 11th of the ſame Month. This is not very material; the appointed ime being come, the King went to *Coventry*, where the two Dukes were ready according o the Rules and Orders preſcrib'd them. They had each of them a ſplendid Retinue of Noblemen and Gentlemen, who accompany'd

them upon so solemn an Occasion. The King had order'd a stately Theatre to be built, and Royal Lists erected. The Duke of *Hereford* on the *Sunday* before they were to engage, went after Dinner to wait upon the King, who had taken up his Lodgings in a Tower belonging to Sir *William Baget*, about a quarter of a Mile without the Town; and the Duke of *Norfolk*, next Morning about break of Day, went also to Court to take his leave of the King. The Duke of *Hereford* arm'd himself in his Tent, which was pitch'd near the Lists, and the Duke of *Norfolk* put on his Armour between the Gate and the Barrier of the Town, there being a fine thick Wood towards the Gate that none might see what was done in the House.

The Duke of *Aumale*, High Constable of *England* for the Day, and Duke of *Surrey*, Earl Marshal, placed themselves well arm'd and appointed between them, and when they saw their time they enter'd the Lists, with a very great Retinue, of Servants clad in rich Liveries, and every Man having a Tip-staff in his Hand to keep the Field clear and in good Order.

About the Hour of *Prime*, came *Henry* Duke of *Hereford*, to the Barriers of the Lists, mounted on a White Courser, with his Caparison of Blew and White Velvet richly imbroydered with Swans and Antilopes, and arm'd at all Points. The Constable and Marshal came to the Barriers, and asking him who he was, he answer'd, *I am* Henry of Lancaster, *Duke of* Hereford, *and come hither to do my Endeavours against* Thomas Mowbray, *Duke of* Norfolk, *so as to prove him a Traytor, false to God, the King, Kingdom, and my self.*

Having

Having thus ſpoke, he preſently took his Oath upon the Holy Evangeliſts, that his Quarrel was juſt and true, and therefore demanded Liberty to enter the Liſts. Upon which he put up his Sword, which before he held drawn in his Hand, pulled down his Beaver, and ſigning himſelf with the Sign of the Croſs, took his Spear in his Hand and paſſed the Barriers, diſmounted, and ſat down in a green Velvet Chair, placed in a Travers of Green and blew Velvet at one end of the Liſts.

Soon after King *Richard* himſelf enter'd the Field with great Splendor and Magnificence, being attended by moſt of the Peers of the Realm, and among others was the Count of *St. Paul*, who came out of *France* on purpoſe to ſee this famous Combat. The King had a train of about Ten thouſand Men, in order to keep the Peace and prevent all Tumults. When he had ſeated himſelf, a King of Arms made a Proclamation, forbidding all Perſons, in the Name of the King, the High Conſtable and Marſhall, to approach or touch any part of the Liſts, upon Pain of Death; except only ſuch as were appointed to Order and Marſhal the Field. The Proclamation being over, another *Herald* cry'd loud, *Behold here* Henry *of* Lancaſter, *Duke of* Hereford, *who is enter'd the Liſts to do his Duty againſt* Thomas Mowbray, *Duke of* Norfolk, *Defendant, upon Pain of being adjudged a Traytor and a Coward.*

On the other Hand, the Duke of *Norfolk* covered on Horſeback before the Barriers of the Liſts; the Capariſons of his Horſe being of Crimſon Velvet, richly imbroydered with Silver Lyons and Mulbery Trees. He firſt

took his Oath that his Quarrel was just, before the Constable and Marshal, and then enter'd the Field, crying aloud, *God assist the Just Cause*; and then alighting from his Horse, placed himself in a Crimson Velvet Chair, at the other End of the Lists opposite to his Adversary.

This done, the Marshall viewed their Spears, to see that they were of an equal length; he delivered one Spear himself to the Duke of *Hereford*, and the other he sent by a Knight to the Duke of *Norfolk*. Then Proclamation was made by a Herald, that the Traverses and Chairs of the Combatants should be remov'd, and commanded them, in the King's Name, to mount, and prepare themselves for the Encounter.

The Dukes soon mounted and closing their Beavers, cast their Spears into their Wrests, and when the Trumpet sounded, *Hereford* advanced some Paces with a great Semblance of Courage towards his Enemy: The Duke of *Norfolk* was just beginning to advance, when the King threw down his Warder, and the Heralds cry'd *Ho, Ho.* Then the King was pleased to command their spears should be taken from them, and that they should return to their respective Chairs again, where they remain'd for two long Hours, while the King was deliberating with his Council what was most proper to be done to terminate this grand Controversy without Bloodshed. Being at length come to a final Resolution; the Herald commanded Silence, and Sir *John Bushey* the King Secretary, read the Sentence contained in a long Roll of Paper to this effect. *That* Henry, *Duke of* Hereford

ford *shall within Fifteen Days depart the Kingdom, and not return before the Expiration of the Term of Ten Years, except the King pleases to repeal the Sentence, and this upon Pain of Death: And that* Thomas Mowbray, *Duke of* Norfolk, *because he had sown Sedition in the Realm by his Words, should likewise depart the Kingdom, and never return into* England, *nor come near the Confines thereof, upon Pain of Death; and that the King should receive the Income of his Estate, till such time as those Sums of Money, which he had received for the Payment of the Garrison of* Calais, *were fully repaid and satisfy'd.*

The Sentence being thus read, the King commanded both the Parties to come before him, and to make Oath that they would never willingly come into one another's Company, or hold any manner of Correspondence whatever. It was also decreed, that no Body from thence forward should presume to Petition the King in behalf of either of the Parties. The Duke of *Norfolk* in great Discontent of Mind departed for *Germany*, seeing his hopes utterly dash'd, that the King would have bore him out in this matter, and from thence travell'd to *Venice*, where he dyed soon after. Its remarkable that this Duke was banished on the very same Day of the Year, whereon the Duke of *Glouceſter*, the King's Unkle, was by his Advice and wicked Contrivances barbarously Strangled at *Calais*

As for the Duke of *Hereford*, he took his leave of the King at *Eltham* in *Kent*, where he struck off Four Years of his Banishment; in going to which, the People in all Places flock'd in mighty Throngs to see him, and bewail his Misfortunes and their own, whom

they look'd upon to be the Bulwark of the Government. It would seem very strange in our Days, that the King and Council should adjudge any Peer, nay, one of the meanest Subjects, into Exile upon the Account of a Quarrel which could not be decided by the Sword or any form of Law, for want of proper Witnesses to prove the fact. It would be esteem'd a very arbitrary Proceeding, against which a Remedy would quickly be found in Parliament; but God be thanked we live in better times, and under Administrations well regulated by Law, for the Liberty and full Property of the Subjects; who are liable to Banishment on no Account unless for the basest Thefts.

The

he Hiſtory of the Tryal of Richard Fitz-Alan, *Earl of* Arundel, *for Treaſon in the* 21*ſt of* Richard II.

Richard Fitz-Alan, the Sixth Earl of *Arundel* of that Illuſtrious Family, and the Anſtor of divers Heroes, one of whom even his Enemies, the *French*, was ſtiled the *ngliſh Achilles*, made a great figure in the iſtory of his Time. He was in the 2d Year the Reign of King *Richard* II. made Adiral of the Fleet in the Weſtern Seas, and on after to the Southward; about Five ears after which, he was engaged in the Var againſt *Scotland*. In the 9th of that King, e was joyned in Commiſſion with the Duke f *Lancaſter* for the Tryal of *Michael de la ool*, and others of the King's Favourites, hich laid the Foundation of his Ruin in the ing's Breaſt. The Year following he was onſtituted Admiral of the whole Fleet, and btained a memorable Sea Victory over the *lemings*, *French* and *Spaniards*; and likewiſe eſtroy'd the *French* Forts at *Breſt* in *Bretane*; but he was about this time, thro' the nvy of the Duke of *Ireland*, in danger of eing cut off: Whereupon he with the Earl f *Derby*, afterwards King of *England*, and he Earl of *Warwick*, taking Umbrage and aiſing Forces, ſoon met at *Haringhay* Park; ut others interpoſing their good Offices a acification enſued, which ended in the Ruin f ſeveral Perſons who miſlead the King.

Things

Things taking a turn thus in favour of the Earl, he was by general Consent in Parliament made Governor of the Town and Castle of *Brest*; and soon after being Admiral, Lieutenant and Captain General of the Sea, with Commission to treat of a Peace with *John de Monford* then Duke of *Bretagne*, and setting Sail, he soon met the Enemy whom he defeated; he sunk and took Eighty of their Ships, and burn'd and spoil'd several Places on shoar, putting to flight all that made any Resistance. But the Scene changing very much about the 15th of the same Reign, he was remov'd from being Admiral, and two Years after seeing the Stream run violently against him he obtained a Dispensation from attending the Parliament then sitting; but it prov'd no Security to him at last, for the King being inveterate against him and others, who had formerly been active against his Favourites, he worked him on with fair Promises, till he had got him into his Power and sent him Prisoner to the Isle of *Wight*, from whence he was brought to his Tryal.

In the mean time, *Edward Plantagenet*, Earl of *Rutland*; *Thomas Holland*, Earl of *Kent*; *John Holland*, Earl of *Huntington*; *Thomas Mombray*, Earl of *Nottingham*; *John Beauford*, Earl of *Somerset*; *John de Montacute*, Earl of *Salisbury*; *Thomas*, Lord *Spencer*; *William*, Lord *Scroop*, Lord Chamberlain, took upon them to be Appellants at *Nottingham* against this Earl, and against *Thomas Beauchamp*, Earl of *Warwick*, and Sir *Thomas de Mortimer*. *Hollingshed* says, they were suborned to appeal against them in Parliament which was term'd the Great Parliament, that met at *Westminster*: The King at the opening

pening of it made heavy Complaints of the lisbehaviour and Seditiousneſs of divers ords, while he was young, and inſtanced in an pecial manner the Undutifulneſs of the Earl *Arundel* to the Queen, who was three ours together upon her Knees before him, n the Behalf of *John Calverley*, one of her ſquires, and all the Anſwer ſhe could get as this, *Pray for your ſelf and your Husband, r that is the beſt thing you can do, and let this equeſt alone*; and all the Importunites ſhe ſed, could not ſave the Gentleman's Life.

This pack'd Parliament readily chiming in ith the King's Deſires, they ſoon made void ll manner of Charters of Pardon, and par- icularly a ſecond Special Pardon which the arl of *Arundel* had obtain'd for himſelf; pon which the Appellants laid Treaſon to is Charge, eſpecially the Inſurrection form'd y him at *Haringhay* Park near *Highgate*, in traiterous manner againſt the King; and hey gave in Bail that they would proſecute heir Appeal.

Now the brave Earl of *Arundel* was ar- eigned in a Red Gown and Scarlet Hood: *ohn*, Duke of *Lancaſter*, the King's Unkle, who was High Steward of *England* for the Day, eeing him thus apparel'd, he immediately ommanded the Lord *Nevil*, in a manner that eems ſomething Arbitrary, to take off his Hood and Girdle

What particulars we have remaining of his Noble Lord's Tryal are very ſingular: The Articles of Appeal being firſt read, the Lord High Steward declar'd to him, that he had been taken up and impri- ſon'd for his manifold Treaſons and Rebel- lions,

lions against the King, and that he was now upon the Address of the Lords and Commons requir'd to answer for such Crimes as were to be laid to his Charge, and so either clear himself or suffer for his Offences according to Law; then he more especially charged him with having traiterously rose in Arms with the Duke of *Glouceſter* and the Earl of *Warwick*, against the King in breach of the Peace and to the disquieting of the Realm. His Answer to this was, *That this was not done by him with any ill Intentions against the King his Sovereign's Person, but rather for the Benefit of the King and Kingdom; if People would put a right Construction upon it, and took it as it ought to be.* Being charged with being a Traytor, this he deny'd with a noble Resolution of Mind, and insisted to have the Benefit of the Pardon which had been granted him, protesting that he would not recede from the favour of the King and his Grace.

Here the Duke of *Lancaſter* saying to him, *Thou Traytor, that Pardon is revok'd.*

The Earl reply'd, *Thou lyeſt, I never was a Traytor.*

Here the Lord High Steward rejoyned, *Why didſt thou purchaſe thy Pardon of the King, if thou wert not Conſcious of any Guilt?*

He answer'd, *He did not do this out of fear of any Crimes committed by him, but to put a ſtop to the malicious Aſperſions of thoſe, who neither loved the King nor himſelf; but were his implacable Enemies among whom,* said he, *thou art one; and as for my being Guilty of any Treaſon, I am ſure thou haſt more occaſion for a Pardon than I.*

It

It looks very hard that the King muſt ſhew mſelf of a Party againſt this brave Earl, r he now commanded him with his own outh to make his Anſwer to the Appeal; which the Earl reply'd, *I cannot but diſrn that theſe Perſons have accuſed me of Treaſon, d produced their Appealments; but I do aver at they all lye, for I never was a Traytor; but do ſtill inſiſt upon the Benefit of my Pardon, which ur Grace was pleaſed to grant me within theſe e or ſix Years, when you were at full Age, and your own free Will and Pleaſure*; the King ying thereupon, That he had granted it ſuch a manner that it ſhould not be ainſt himſelf. The Duke of *Lancaſter* ad-ed, *Then it ſignifies nothing.* To which the arl anſwer'd, *As to ſuch a ſort of Pardon, I ow leſs of it than thou doſt, who wert at that me beyond Sea.*

Here Sir *John Buſhy*, Speaker of the Houſe f Commons, taking the Word, ſaid, *That ardon is revoked by the King, the Lords and is faithful Commons.* The Earl anſwer'd, *Where are thoſe faithful Commons, I know thee nd thy Companions very well, that you are got toether, not to do Juſtice, for the faithful Comons of the Land are not here, and therefore the eople commiſerate and bewail my hard Fate; nd I very well know, that thou haſt ever been a erfidious Fellow.* Upon which *Buſhy* and his dherents cry'd out, *Pray obſerve, our Sovereign Lord and King, how this Traytor endeavours o raiſe Jealouſies between us and our Repreſentaives in the Country.* Upon which the Earl oldly anſwer'd, *You lye, I am no Traytor.*

It was not enough that the King, the Lord igh Steward and the Speaker ſhould thus ſtickle

ſtickle ſo much againſt the Earl, to ſay n
thing of the Appellants and others, but t
Earl of *Derby*, who ſome time before had be
a great Advocate for Liberty and the Go
of his Country, muſt enter into the Liſts
gainſt the Brave, but Unfortunate *Arunde*
For he ſtood up and ſaid, *Didſt not thou ſay t*
to me at Huntington, *when we firſt drew toget*
in order to make an Inſurrection; That the m
adviſable thing of all was in the firſt Place
ſeize the King's Perſon? The Earl of *Arund*
reply'd, *Thou lyeſt in thy Teeth; I never entr*
tained a Thought concerning my Sovereign Lord t
King, but what was juſt and made for his H
nour.

Now the King took the Nob e Priſoner u
again, ſaying, *Didſt thou not ſay to me in t*
time of thy Parliament, in the Bath behind t
White-hall, *that Sir* Simon de Burley *deſerv*
to be put to Death upon ſeveral Accounts? And
made Anſwer, I know no Reaſon why he ſhould ſu
fer Death, and yet you and your Companions tra
terouſly took his Life from him.

Finally, The Lord High Steward ask'd t
Earl, *Whether he had not aſſociated himſelf wi*
the Perſons above-nam'd, and in Conjunction wi
them enter'd in Arms into the King's Preſen
againſt his Royal Will and Pleaſure? To this h
anſwer'd, *That he could not deny but that he d*
ſo; and this is the only Queſtion he anſwer
in the Affirmative.

Here the Speaker Sir *John Buſhy*, with o
pen Mouth, mov'd that Judgment might b
pronounc'd upon the brave Earl, as a Tra
tor, and directing himſelf to the King, ſai
Your faithful Commons ask and require it may
done accordingly. The Earl turning his Hea
aſide

de, calmly reply'd, *They are not the King's thful Commons that require this, but thou, and at thou art, I very well know.*

Then the Eight Appellants ſtanding on the poſite ſide, threw down their Gloves, and fer'd to fight with him Man to Man, to tify the Proſecution of their Appeal, which d already been read: Upon which the arl ſpoke thus; *If I were at Liberty, and that might ſtand with the Pleaſure of my Sovereign, wou'd not refuſe to prove you all Lyars upon this ccount.*

The Duke of *Lancaſter*, Lord High Steward, re asking the Earl, *Whether he had any more ſay in Anſwer to the Charge which had been exbited againſt him:* He reply'd, *That the King d been graciouſly pleaſed to grant him a general rdon*, which he inſiſted might be allow d of. he Duke told him, *That Pardon was annulled the Prelates, Peers, &c. in Parliament, and erefore adviſed him to make ſome other Anſwer.* he Earl told him again, *he had another Parn under the King's Great Seal, granted him long ier by the King's own Motion*; which he alſo inſted to have allow'd: The Duke told him, e *ſame was alſo made void.*

The Earl offering to ſay no more in his wn Defence, the Lord High Steward prounc'd Sentence upon him, as in Caſes of igh Treaſon, in theſe Words —— Richard, John, *Steward of* England, *adjudge thee to be Traytor, and Condemn thee to be drawn and ng'd, and to be beheaded and quartered, and y Lands, both intailed and not intailed, from thee nd the Deſcendants of thy Body, to be Confiſcated.* ere the Duke having made a ſhort pauſe, e proceeded, ſaying, *The King, our Sovereign*

Lord

Lord, of his meer Mercy and Favour, because thou art of his Blood and one of the Peers of the Realm, has remitted all the other Parts of the Sentence but the last, and so thou shall only lose thy Head.

Such was the Malice of the Earl's Enemies, and the Severity of the Times, that he was immediately after the Sentence was pronounc'd, convey'd thro' the City of *London* to *Tower Hill* to be executed, being accompanied by Six Lords, who were order'd to see it done. Three of these were *Thomas Mowbray*, Earl of *Nottingham*, who had marry'd the Earl of *Arundel*'s Daughter, *Thomas Holland*, Earl of *Kent*, his Grandson by his Daughter *Alice*, and *John Holland*, Earl of *Huntington*, *Kent*'s Unkle, who surely ought to have excused themselves from so unnatural an Attendance and Office, were it only but for Decency sake. But thither they rode, mounted on stately Horses, and attended with a great Body of arm'd Men, and the fierce Bands of *Cheshire* Men, carrying Axes, Swords, Bows and Arrows, marching before and behind the Earl; who, when he was lead out of the Court, desired they would loosen his Hands, that he might dispose of what Money he had about him between that and *Charing Cross*.

When he came to *Tower Hill*, (others say *Cheapside*) the Place of Execution, the Noblemen that attended him, press'd him very much to acknowledge his Treason against the King, which he utterly refused, affirming, He was not a Traytor either in Word or Deed; and perceiving the Earls of *Nottingham* and *Kent*, his near Relations, were busy among the rest to forward his Execution, he spoke thus to them: *Indeed it would have better become you*

have

ave abſented your ſelves, than to have been here ngag'd in this Work; but the Time will ſoon come hen People ſhall be as much aſtoniſh'd at your Misfortune, as they are now at mine This done, nd having forgiven the Executioner, he de-ired he would not torment him long, but trike off his Head at one Blow. Then feel-ng the Edge of the Sword, whether it was harp enough; he ſaid, *it was very well*, and o kneeling down, the Executioner at one troke ſevered his Head from his Body; both vhich together were convey'd to be buried n *Auguſtine Fryars* Church in *Bread-ſtreet*, *London.*

The Death of the brave Earl was much amented by the People, no Man of Quality n the Kingdom, a little before his Fall, be-ng more eſteem'd and honour'd than he; o Noble and Valiant he was, that every bo-y ſpoke honourably of him. It was com-nonly reported that the King, after he had hus cut him off, was tormented with ter-ible Dreams, fancying he ſaw the Earl ap-ear to him with a menacing Aſpect, which ut him into horrible Frights, and made him urſe the Day that ever he knew him: And e was the more diſquieted, becauſe it was am'd Abroad, that the People took the Earl or a Martyr; inſomuch, that ſome went to viſit his burying Place for the Opinion they ad conceived of his Sanctity: And whereas t was whiſper'd up and down, that his Head vas faſten'd again to his Body, the King Ten Days after his Burial, ſent ſome Noblemen t Ten a Clock at Night to ſee the Body ta-en up, and to inform him of the truth of hat Report; which being found to be a meer

Fiction, he order'd the *Fryars* to take down his Arms, which were set up near his Grave, and to cover the Grave in such a manner that it might not be perceived where he was buried; tho' there was afterwards a stately Monument of Marble erected there for him.

What it was that mov'd *Henry*, Earl of *Derby*, afterwards Duke of *Hereford* and *Lancaster*, and at length King of *England* by the Name of *Henry* IV. to act the Part you have heard, against the Noble Earl of *Arundel*, is not known, and very amazing; seeing when about two Years after he had got King *Richard*, for Male-Administration, alledg'd against him, into his Power, one of the Articles he procur'd to be exhibited against him was this: *That tho' the Earl of* Arundel *upon his Arraignment pleaded his Charter of Pardon, yet he could not be heard, but was in a most vile and shameful manner suddenly put to Death*; and he took Care that *Thomas*, the Earl's Son and Heir, should in the first Year of his Reign be restored in Blood, and the Judgment against his Father reversed.

The Tryal of Richard, *Earl of* Cambridge, *for Treason againſt* Henry V. *King of* England.

RICHARD, Earl of *Cambridge*, was the Second Son of *Edmund* of *Langley*, Duke of *York* (Fifth Son of King *Edward* the Third) by *Iſabel* his Wife, ſecond Daughter and Co-heir to *Peter*, King of *Caſtile* and *Leon*: He was ſirnam'd of *Coningsburg* from the Place of his Birth in the County of *York*. He was not honoured with any Title till the ſecond Year of *Henry* V. who created him in Parliament Earl of *Cambridge*, which Earldom had been before enjoyed by his Father and Elder Brother; for which Dignity he made the King a very ungrateful Return the Year following, in joyning and conſpiring with *Henry* Lord *Scroop* of *Maſham*, then Lord Treaſurer, and a great Favourite of the King's, and Sir *Thomas Grey* of *Northumberland*, Knight, to plot his Death at *Southampton*, as he was there ſhipping his Army for *France*.

Motives of Ambition undoubtedly laid the firſt Foundation of the Earl's Ruin: He had marry'd the Lady *Anne Mortimer*, Siſter, and afterwards Heir to *Edmund*, Earl of *March*, and Daughter of *Roger Mortimer*, Earl of *March*, Son of *Philippa*, only Daughter and Heir of *Lionel*, Duke of *Clarence*, third Son of King *Edward* III. which Houſe of *Clarence* and its Deſcendants had certainly a prior Right to that of *Lancaſter*, which was but the Fourth.

By whom this Conspiracy was first mov'd, how form'd, and after what particular manner to be executed, we cannot meet with any Account. What History informs us, is, that they promised the *French* King *Charles* VI. for a Million of Gold to kill *Henry* in his Voyage; or if they could not do that, to deliver him into his Power; and that they might make their treacherous Design to look the more plausible, they discovered it to *Edmund Mortimer*, Earl of *March*, pretending it was out of a real Desire of restoring him to his Right, that they had taken up such desperate Resolutions; and tho' they expected not his Concurrence, yet they must expect an Oath of Security from him for their own safety, in a Matter of so great Danger to themselves, as well as of Importance to him. The Earl, either not very desirous of the Crown, when so worthy a Prince as himself, and so great a Friend to him was in Possession; or else suspecting that this Conspiracy arose from other Causes than what was pretended, refused at first to Swear to them; but being very importunate with him to do it before they parted, he at length consented, upon Condition they would allow him an Hour, (*Goodwin* says till next Morning) to consider of it; which they granted.

The Earl having thus got his Liberty to consult what he had best to do, went to the King, and discovered the whole Plot, as they had related it to him, advising him to provide for his own Safety. The King, tho' much surpriz'd at the Baseness of his Friends, yet did not so much distrust the Discovery as to neglect himself. Before he discover'd what

he knew of the Conſpiracy, he ask'd the Conſpirators themſelves, *What thoſe deſerved that could be guilty of ſuch a Treaſon: They merited,* ſay the Traytors, *to expire in horrid Torments, to deter others from the like Crimes.* Then the King cauſing them to be apprehended, they were brought to an Examination before himſelf and the Nobles preſent with him, and they confeſs'd the Crimes laid to their Charge.

Whatever has been ſaid by our Hiſtorians concerning the Confeſſion of the Earl of *Cambridge*, his being hir'd by the *French* to commit Treaſon, and that many were of Opinion, he choſe rather to ſay ſo, to preſerve, as much as lay in him, the Rights of his Poſterity to the Crown; it appears quite otherwiſe by his Indictment, and his Confeſſion and Supplication to the King, both which we ſhall give you in their proper Order. His Indictment ran thus: *That* Richard, *Earl of* Cambridge, *of* Coningsburg, *in the County of* York, *and* Thomas Grey *of* Heton *in the County of* Northumberland, *Knt. had, on the 20th of* July, *in the Third Year of the Reign of King* Henry V. *at* Southampton, *conſpired, together with a Power of Men, to have led away the Lord* Edmund, *Earl of* March, *into* Wales, *and to have procured him to take the Government of the Realm, in caſe that King* Richard II. *were dead, with a purpoſe to iſſue out a Proclamation, in the Name of the ſaid Earl, as Heir to the Crown, againſt King* Henry, *by the Name of* Lancaſter, *Uſurper*; *and farther, to have convey'd a Banner of the Arms of* England, *and a certain Crown of* Spain *ſet upon a Pallet* (*laid in Gage to the ſaid Earl of* Cambridge) *into* Wales; *as alſo that the ſaid Conſpirators had appointed certain Perſons to go into* Scotland,

land *to bring thence one* Trumpington, *and another resembling, in Shape, Favour and Countenance,* *King* Richard; *and* Henry, *Lord* Scroop, *of* Masham, *was likewise indicted, as consenting to the Premisses.*

All our Historians say, that the Earl being thus indicted was found guilty; but by whom and after what manner and form they are wholly silent. I know not whether the following Commission from the King to his Brother the Duke of *Clarence*, may not puzzle rather than dilucidate the Proceedings against him. You have it here in *Latin* from the Record, with the *English* Version, if I have been able to give the right meaning of some Sentences in it.

Rex carissimo Fratri suo, Thomæ Duci Clarentiæ, Salutem.

Sciatis quod nos,

De Fidelitate, Circumspectione & Industria vestra plenius Confidentes.

Constituimus locum nostrum & Vicem Gerentem, Ad audiendum Recordum & Processum, Coram dilectis & fidelibus nostris, Johanne Comite Marescallo, & Socijs suis Justiciarijs nostris, ad diversas proditiones, felonias, Conspirationes & Confœderationes, in Comitatu Southamptoniæ factas & perpetratas, audiendas & terminandas, assignatis.

Et ad Judicium versus Richardum Comitem Cantebrigiæ Chivaler, & Henricum de Scroop de Masham Chivaler, Juxta id quod vobis per Recordum & Processum praedicta Constare poterit; vocatis vobis pariibus, Praedictorum Comitis & Henrici, per vestrum

&

& earundem parem Assensum, hac instante die lunæ Reddendum, & ad executionem ejusdem Judicij finaliter Procedendum.

Dantes vobis & Concedentes, plenam, tenore præsentium, Potestatem, Auctoritatem, & mandatum speciale, ad omnia & singula nomine nostro, ibidem faciendum, exercendum & Concedendum, quæ nos faceremus seu facere possemus, si ibidem Personaliter interessemus.

Promitentes nos, ratum, gratum & firmiter habituros quicquid per vos nomine nostro factum, Gestum, sive concessum fuerit in Præmissis, vel aliquo Premissorum.

Damus autem præfatis Justiciarijs, ac alijs quorum Interest, tenore Præsentium, firmiter in mandatis, quod vobis in Præmissis, in forma prædicta faciendis, intendentes sint & consulentes, prout decet.

Mandavimus enim ijsdem Justciarijs quod recordum & processum prædicta, cum omnibus ea tangentibus, habeant coram vobis ad diem supradictum.

In cujus, &c.

Teste Rege apud Southampton, quarto die Augusti.

Per ipsum Regem.

The King to his most dear Brother, Thomas *Duke of* Clarence, *Greeting.*

Be it known unto you that We,

'CConfiding in your Fidelity, Circumspection and Industry,—

'Do constitute you to be our Lieutenant 'and Vicegerent, to hear the Record and 'Process before our trusty and beloved *John*, 'Earl Marshal, and others our Justices afore-'said with him, and appointed to hear and 'determine several Treasons, Felonies, Con-'spiracies and Confederacies, done and per-'petrated in the County of *Southampton*.

'And to do Justice in reference to *Richard* 'Earl of *Cambridge*, Knight, and *Henry* Lord 'Scroop of *Masham*, Knight, on this present '*Monday*, as things shall appear to you, ac-'cording to the Record and Process above-'mention'd, you being call'd the Peers of the 'said Earl and Lord *Scroop*, by yours and their 'Peers Assent, and finally to proceed to the 'Execution of the Sentence upon them.

'We yielding and giving unto you full 'Power, Authority, and special Command 'by these Presents, to do, exercise and grant 'in our Name, all and singular things, in the 'same manner as we should or might do our 'selves, if we were there present, promising 'that we shall accept, ratify, and hold good, 'whatever shall be done, acted or yielded 'to by you in our Name, in the Premisses, 'or any of them.

'We

'We also give strict Charge to the aforesaid Judges and others, to whom it may belong, by vertue of these Presents, that they do attend, and give their Advice to you, as becomes them, in respect to the Premisses transacted by you in the aforesaid form.

'For we do Command the said Judges, that they do produce before you on the Day prefix'd, the aforesaid Record and Process with every thing that relates to them.

In Witness whereof, &c.

Witness Our self at Southampton *on the* 4th *of* August.

By the King himself.

One shou'd think at first sight, that the Duke of *Clarence*, notwithstanding the Expressions of Lieutenant and Vicegerent, was in this Occasion, and by this Commission, constituted Lord High Steward of *England* for the Day, and that *John Mowbray*, Earl of *Nottingham* and Earl Marshal, was one of his Peers; but there are other Expressions about the Judges producing the Record and Process, which so darken the Matter again, as if the Earl had been try'd already, and that now he was to receive Sentence from his Peers.

The Earl, not to be wanting to himself, wrote the following Letter and Petition to the King on the 6th of *August*; which, because you may have a taste of some of the first *English* which was writ in that time, we give it you from the Record, in his own Words and Spelling.

Richard

Richard Earl of *Cambridge.*

My most dreadfulle and Sovereyne Lege Lord.

I *TKE to zowre Hyneſſe, to wete, touchyng t purpoſe caſt agens zower hye Eſtate, hav the Earl of* Marche *by his owne aſſent, and by t aſſent of my ſelf, (whereof Y moſt me repent all wordly thyngs) and by the Accorde of the L* Scrop *and Sir* Thomas Grey, *to have hadde t forſeyd Earl intre the Lond of* Walys *without zower Lycence, takyng upon hyn the Sovereynte zis Londzyf yonder mains Perſones whych th callen Kyng* Richard *hadde nanth bene a ly as y wet wel that he wyz not a lyve.*

For the wych poynt I putte me holy in zow Grace.

And, as for the forme of a Proclamatyo wych ſchulde hadde bene cryde in the Earle Na as he Heyre to the Coronne of Yngland, *ag zow, my Lege Lord, calde, calde by an untr Name,* Henry of Lancaſtre uſurper of Yn land, *to the entent to hadde made the more Pe ple to hade drawne to hym and fro zow.*

Of whych crye Scrope *knew not of by me, t* Grey *dyd, haveyng wyth the Earle a baner of t Armes of* Ynglonde, *having alſo the Coroun ſpeyne on a palet, wych my Lege Lord, is one of zow Weddys.*

For the wych offence Y putte me holy in zow Grace.

And, as for the purpoſe, takyn by un frovyle Wederyntoun, for the bryngying of that Perſ wych they name Kyng Richart, *and* Henry Per *eute of* Scotland, *wyth a Power of* Scottys, *a*

the

yre Power togedirs ſemynge to theyre able to give-
o a Battayle, of the wych entent, Sy Thomas
ey wyſt off, I alſo but nauth Scrop as by me,
the wych knowyng I ſubmitte me holy unto zewre
ace.

And as for the taking of zowre Caſtelles in
alys, Davy Hawel made me behoſt ſo there
re a Steryng in the North, of the wych peynte I
te me holy in zowre Grace.

Aud as touchyng the Erle of Marche and
ncy hys Man, they ſeydyn we both that the
le was nauth ſchreven of a gret whyle, but as
hyes confeſſours, putte hym in Penance to clayme
t they callyddyn h.s ryth that woo be that
ne that ever I knew heny thyng that ever to hym
ggyd, of the which Poyntes and Artycles here
ore wretyn, and of all odyr wych now arne
oth in mynde, but trwly as it as heny to my
nd fallyn, I ſe has dwly treuly certefye zow there-

Beſekyng to zow my Lege Lord for hys Love
t ſuffryd Paſſoun on the Good Fryday, God
ve zee Compaſſyoun on me zour Lege Man.

An dys heny of theſe Perſones, whos Names arne
ntenyd in ziz Rylle, woldyn contrary the Subſtance
thys I have wretyn at ziz time, I ſchalle be
ady with the myth of God, to make them good as
e my Lege Lord, wylle Awarde me.

His Petition.

My moſt dreadfulle and Sovereyne Lege Lord.

Richard York zowre humble Subgyt and verry Legeman, bezeke zower Grace of all manner ffences wych I have done, or aſſentyd to in heny nde, by ſteryng of oder folhe Eggynge me there whereyn I wote wel I have hyle offendyd to wre Hyneſſe.

Beſechyng

Beſechyng zow at the Reverence of God, the zow to take me into the Hands of zowre mercyf and pytouſe Grace, thenkyng zee wel of zower gr goodneſſe.

My Lege Lord, my fulle truſte in that zee wyl have Conſideratioun thanuth that myn Perſone be none valew zowre by Goodneſſe, where God hath zow in ſo hye Eſtat to every Legeman, that zow longyth plenteoſely to geve Grace, that zee like to accept zys myn ſymple Requeſt, for th Love of our Lady, and of the Blyſsfulle Ho Goſt

To whom I pray that they mot zewre hert e duce to a Pyte and Grace for theyr hye Goo neſſe.

It could as little have been expected, tha *Henry* would have ſpar'd the Earl's Life, a that King *James* in our Days would hav pardon'd the Duke of *Monmouth*; and there fore the Earl, *Scroop* and *Grey* were all three beheaded, and the Earl's Head and Body in terr'd in the Chappel of *God's-Houſe* at *South ampton*. As for the Earl of *March*, the Kin granted him a Pardon, bearing date on th 7th of *Auguſt* the ſame Year at *Southamp* in the uſual form, but he dyed afterward without Iſſue; the Earl of *Cambridge*'s Son by *Edmund*'s Siſter, becoming Heir to th Houſe of *Clarence*, laid claim to the Crow and *Richard*'s Grandſon actually diſpoſeſs the Houſe of *Lancaſter*, and obtain'd it b the Name of *Edward* IV. And this Clai proceeding from the Houſe of *Clarence*; ſhould rather chuſe to diſtinguiſh the tw contending Branches, by the Houſes of *Cl rence* and *Lancaſter*, than that of *York* an *Lancaſter*.

Th

he History of the Tryal of Sir John Oldcastle, *Lord* Cobham, *for Heresy, in the Year* 1413. *and afterwards for Treason* 1417.

N the first Year of the Reign of *Henry* V. King of *England*, there was a Synod of e Clergy convened at *London* by *Thomas rundel*, Lord Archbishop of *Canterbury*, in der to suppress those People whom they lled *Lollards*, according to the Chronicle of *Alleans*, of which Sect the Lord *Cobham* s reputed to be the Head and chief Proter. The general Proctors exhibited their mplaints against him that he maintained spected Preachers in the Dioceses of *Lonn*, *Rochester* and *Hereford*, contrary to the inds of their Ordinaries; that he not only nt the said Preachers thither, but be supported them by force of Arms, notwithstandg the Synodical Constitution before made the contrary, and finally they charged m with Heterodoxy with respect to the crament of the Altar, Penances, Pilgrimage, nage-Worship and Ecclesiastical Jurisdiction, d so they resolved forthwith to order a roces out against him for a most pestilent eretick.

But some of that Body having either more rudence or more Moderation than the rest, ere of Opinion they should not give so shly into that matter, considering that the Lord

Lord *Cobham* was a Man of great Quality and at that time in the favour of his Prince and therefore they thought it most advisable to make the King first acquainted with it to know what his Majesty thought of it. The Archbishop, Bishops, and the greater part of the Clergy, thought fit thereupon to go without any delay to wait upon the King who then kept his Court at *Kenington*, and there open their Complaints against the noble Lord, in a very ample and aggravating manner: The King having given them a favourable Audience, answered, That considering the Nobility and Knighthood of the Lord *Cobham*, he desired they would go tenderly to Work, and if it were possible, without proceeding to rigorous Means and Severites, he might be reclaim'd and brought back to the unity of the Church: He also promised them that in case they, if they were not contented to take some farther Deliberation in so momentous an Affair; that he would himself seriously confer with his Lordship about it.

Accordingly the King sent for the Lord *Cobham*, and no body being present but themselves, he advised him to submit himself to his Mother the holy Church, and as an obedient Child to acknowledge himself to be Culpable.

Cobham taking what the King said to him very kindly, made answer, *Most worthy Prince I am always ready and willing to obey, because I know you are a Christian King and the appointed Minister of God, bearing the Sword for the punishment of Evil Doers, and the safety of those that do Good. Unto you next to the eternal God, I owe entire Obedience, and I subject unto you as I ha[ve]*

er done all that I have, whether in reſpect to Life Fortune; being ready at all times to perform atever you ſhall in that, my Lord, command me. ut as for the Pope and his Spiritualities, I owe them ither Suit nor Service; for as much as I know n by the Scriptures to be an Antichriſt, the Son Perdition, an open Enemy of Almighty God, and Abomination ſtanding in the holy Place.

When the King had heard this, and found s Lordſhip, as he thought, irreclaimable; d that the Archbiſhop waited upon him in der to know his Reſolution, his Highneſs ft it entirely to the Convocation to pro- ed againſt him, according to their own ethods, and to puniſh him according to s Demerits. The firſt thing they did was cite him to appear perſonally before them, anſwer to ſuch Articles as ſhould be laid to s charge, and of which he was ſuſpected to guilty. The firſt Citation was ſent to the aſtle of *Ledys* or *Leeds*, where his Lordſhip that time reſided. When the Officer came ither, he was asked, How he durſt enter to a Nobleman's Houſe without his Leave? nd ſo he was ſent away without delive- ng his Meſſage.

The Convocation being diſappointed here-, the Archbiſhop ſent for one *John Buller*, ho was then Door Keeper to the King's ivy-Chamber, and engaged him by Pro- iſes and Rewards to do the Buſineſs under lour of the King's Name; accordingly *uller* taking the Summons, went to the Lord *bham*'s Houſe, and having Admittance, ac- ainted him that it was the King's Plea- re he ſhould obey that Citation, but his rdſhip ſuſpecting the Fraud, anſwer'd, *That he*

be would never comply with those Deviliſh Practices of the Prieſts. The Archbiſhop being acquainted with this Anſwer, and that it was not adviſable to ſend any body privately to cite him again, for fear of endangering his Life; he reſolved at length to have his Lordſhip cited by a Publick Proceſs: And therefore he order'd, That on the *Wedneſday* before the Nativity of the Virgin *Mary*, in the Month of *September*, citatory Letters ſhould be ſet upon the great Gate of the Cathedral of *Rochester*, which was but three *Engliſh* Miles diſtance; charging him to appear in Perſon before him on the 11th Day of the ſame Month and Year, without admitting of any Excuſe whatſoever; but the Lord *Cobham*'s Friends ſoon pulled down the Citation, and it being put up afterwards in the ſame Place by the Archbiſhop's Order, it underwent the ſame fate.

The Non-Appearance of the Lord *Cobham* was ſoon adjudged to be contumacious, and therefore the Archbiſhop adjudged, denounced and condemned him of being guilty of the higheſt Contumacy, and being farther informed, how truly I will not determine, that the Lord *Cobham* laughed at all this, deſpiſed his Proceedings, contemn'd the Power of the Church, the Dignity of the Biſhops, and the Order of Prieſthood, of all which he was accuſed; he haſtily proceeded to open Excommunication of him, and commanded him to be ſummoned anew to appear before him on a Day prefix'd; adding moſt ſevere menaces withal, that if he did not obey, he ſhould meet with worſe uſage; and the more effectually to compaſs his Ends, he requir'd the

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Civil Power under the Penalty of the Curses and Interdictions of the Church, to assist him against that Seditious Apostate, Schismatick, Heretick, Disturber of the Publick Peace, and Great Adversary of the Holy Church

The Lord *Cobham* being sensible of the Dangers which beset him from almost all Quarters, wrote a Confession of his Faith, and having Sign'd and Seal'd the same, wherein also he answer'd the four Principal Articles exhibited by the Archbishop against him; he took it along with him, and went forthwith to wait upon the King in hopes he might find Favour at his Hands. He began with the Apostles Creed, and for a farther Declaration of his Belief, he added, *That he stedfastly believed there was but one Almighty God, in and of whose Godhead there were three Persons, Father, Son and Holy Ghost; and that these three were the self same God; he also believed that the second Person in the blessed Trinity, in due time, as had been 'foreordained, took Flesh and Blood upon him of the Virgin* Mary, *for the Salvation and Redemption of all Mankind, lost by* Adam's *fall.*

He believed farther, that Jesus Christ our Lord, being both God and Man was the only Head of the whole Christian Church, and that all that have been, or shall be saved, were Members of that Holy Church, which he thought, consists of three parts; and the first of which were now in Heaven, being the Saints from hence departed; who while they were here below, conform'd their lives to the most holy Laws, and pure example of Christ, renouncing the Devil, the World and the Flesh, with all evil Lusts and Concupicences. The second were in Purgatory, (if there was any such

Place in the Scripture) waiting for the Mercy of God and a full Deliverance from Pain. But he wrote contrary to this to the Parliament. The Third were here upon Earth, and what was called the Church Militant, since they struggled Day and Night against the crafty Devices of Satan, the flattering Prosperities of the World, and the Filthiness of the Flesh.

He said, That this last part by the just Appointment of Divine Majesty, consisted of three Parts, viz. The Priesthood, Knighthood, and the Commons; that it was God's Pleasure, that the one should assist and not destroy the other; that the Priests in the first Place being excluded from all worldly Affairs, should wholly conform their Lives to the Example of Christ and his Apostles: That their Time should always be employ'd in Preaching and rightly Expounding the Scriptures, and in setting a good Example of Holiness to the other two sorts: They should also be more modest, gentle, kind and humble-spirited than the rest.

Within the bounds of Knighthood are all those included, who bear the Sword by virtue of their Office; these are to maintain the Laws of God, and to see that the Gospel be purely taught, and to Conform their Lives to the Holy Precepts thereof, excluding all False Teachers, nay, they ought rather to hazzard their Lives than bear with such Ordinances as are either a Blemish to the Eternal Truths of God, or obstruct the free Progress of them, whereby Schisms and Heresies might arise in the Church; the Source of which, he supposed, were certain erroneous Constitutions, which cunningly crept in under the cover of Hypocritial Falshood, for peculiar Advantages. They were also to defend the People of God from Oppressors, Tyrants and Robbers, and to see that the Clergy should be main-

tain'd

in'd and supported, as long as their Doctrine was ure, their Prayers and the Sacraments duly Ad- inister'd; but if they found them act otherwise, ey were oblig'd, by virtue of their Office, to force em to alter their Course, so as that all things ight be perform'd according to the Rules which od had prescribed them.

That the Third and last part of the Church con- ted of the Commonalty, whose duty it was to be uly Faithful and Obedient to the foremention'd lembers of God, viz. Their King's, Civil Go- rnors and Priests. Their real Business is to fol- w their respective Callings and Occuptaions, whe- er they be Traders Handicrafts, or Husband- n; so as to be helpful to one another, and always their Stations performing God's just Commands.

He believed over and above all this, That the craments of the Church were necessary for all ristians, and that Care should be taken to have m always duly administred according to Christ's dinance and Primitive Institution, and that for much as he was most maliciously and falsely used of disbelieving the Sacrament of the Altar, the Offence of many, he testified thereby unto all n that this was his Faith in that respect, that he ieved there was contain'd in that Sacrament the y Body and Blood of Christ under the Similitude of ad and Wine, nay, the very same Body which was ceiv'd of the Holy Ghost, born of the Virgin ary, was Crucified, Dyed and Buryed, rose in the Third Day, and was then glorified in aven.

He concluded thus: This is also my Belief; t God requires no more of Christians in this e, than only to obey the Precepts of that most Law. If any Prelate of the Church require e, or any other kind of Obedience than this to

be used, he despises Christ, exalts himself above God, and so becomes an open Antichrist. All the Promises I believe in particular, and generally every thing which God in the Scriptures hath left us to believe; earnestly intreating my Liege Lord and Sovereign, that this my Confession may be impartially examined, by the most pious, wise and learned Men in the Kingdom; and if they find it every way agreeable to the Truth, let it be so taken, and my self thereupon reputed a good Christian; if it appear to be otherwise, let it be utterly Condemn'd; but so as I may be taught a better Faith from the Word of God, and I shall at all times very devoutly yeild Obedience thereunto.

The Lord *Cobham* having offered this his Confession to the King, praying him, with all Submission and Humility, to Read it over. The King refused absolutely to receive it, but commanded it to be deliver'd to them who were his proper Judges. Having failed to obtain this Favour, he demanded, in the King's Presence, an Hundred Knights or Esquires might be suffered to come in for his Purgation, who, he knew, would acquit him of all Heresy. Again, he offered, pursuant to the Law of Arms, to Fight with any Man whether Christian or Heathen, in Defence of his Faith, the King's Majesty and his Council only excepted. Finally, he protested in all Humility before all Persons there present that he would decline no manner of Punishment, which according to the Law of God should be inflicted on him; but always submit & himself unto it with the Meekness of a Christian.

All this avail'd the brave Gentleman nothing; the King ſeem'd to be ſo far a Party, which was beneath the Dignity of ſo great and magnanimous a Prince as *Henry* V. that he ſuffer'd the Lord *Cobham* to be ſummoned perſonally in his Privy Chamber to appear before the Court; upon which his Lordſhip told the King that he had appealed from the Archbiſhop to the Pope, and therefore he could by no means be his Judge; and thereupon producing his Appeal in writing, he ſhew'd all due reſpect to his Majeſty, who being much more diſſatisfy'd than before, ſaid angrily to him, *That he ſhould not proſecute that Appeal, but continue in Cuſtody till ſuch time as the Pope allow'd of it, and then the Archbiſhop, whether he would or not, ſhould be his Judge.*

Now the Lord *Cobham* refuſing to Swear that he would in all things ſubmit himſelf to the Church, and ſo to undergo ſuch Pennce as the Archbiſhop ſhould think fit to enjoyn him: He was again arreſted by the King's Command, and convey'd to the Tower of *London*, *To keep his Day*, (for ſo they expreſs'd it) that the Archbiſhop had ſet before in the King's Chamber.

When the Day came, which was the 23d of *September*, his Lordſhip was brought before *Thomas Arundel*, Lord Archbiſhop of *Canterbury*, *Richard Clifford*, Biſhop of *London*, and *Henry Bolingbroke*, Biſhop of *Norwich*, by Sir *Thomas Morley*, Kt. Lieutenant of the *Tower*, where he left him for a time, and then the Archbiſhop ſpoke thus: *Sir* John, *In the laſt general Convocation of the Clergy of this our Province, you were detected of certain Hereſies, and by ſufficient Witneſſes found Culpable, upon which*

you were, pursuant to the Forms of the Spiritual Court, cited to appear, but utterly refused it; so that continuing in your Rebellion and Contumacy, you were at last both privately and publickly Excommunicated; nevertheless, we never yet appear'd backward to grant you any Absolution, neither do we still do it, if you would but submissively ask it, as you ought to do.

If you observe the Archbishop only calls his Lordship *Sir John*, which undoubtly was contrary to the Custom of that as well as the present Age; it being ever usual to address to a Person in his highest Quality, and the Lord *Cobham* being a Peer of the Realm, it might have been expected he had call'd him *My Lord*; tho' it must be own'd Knighthood was exceeding Honourable in those Days, and perhaps to say *Sir John* only was not intended as any manner of diminution to his Dignity. Be it as it will, the Lord *Cobham* seem'd as if he had not heard what the Archbishop said, his Thought being otherwise taken up, and so desired no Absolution, but said he would be glad if the Archbishop and his Brethren would give him leave to make a Confession of his Faith he had always held, and thereupon taking an indented Writing out of his Bosom, which was an Answer to the Articles of which he was accused, and having read it aloud before them; when he had done, he deliver'd it to the Archbishop, and the same runs thus:

I John Oldcastle, *Kt. Lord of* Cobham, *make known unto all Men, That I call Almighty God to Witness, that it has been, now is, and by the Grace of God, ever shall be my Design and Inclination, fully and sin-*

ſincerely to believe all the Sacraments which God has appointed in his holy Church; and more particularly I do explain my ſelf in reſpect to the Four following Articles; That I do believe the moſt holy Sacrament of the Altar is Chriſt's Body in form of Bread, the ſame Body that was born of the bleſſed Virgin, that was Crucified, Dead and Buryed, which Body is now glorified in Heaven.

As for the Sacrament of Penance, I do believe 'tis neceſſary for all thoſe that ſhall be ſaved to forſake Sin, and to do Penance for Sins already committed, making a ſincere Confeſſion thereof, having an unfeigned Contrition for the ſame, and give due Satisfaction purſuant to the divine Law, otherwiſe he cannot be ſaved; which Penance I deſire all Men to do.

Then for Images, they be not matter of Faith, but were ordered ſince the belief was Zewe of Chriſt by the Permiſſion of the Church to be Calenders to lewd Men, to put them in Mind of the Paſſion of our Saviour, and the Martyrdom and holy Lives of other Saints; and that whoever he be, that pays Adoration to dead Images, which is due only to God, or puts his truſt and hopes in them, which he ſhould place in God alone, or affects one of them more than he does another, he is guilty of that abominable Sin of Idolatry. (Maumetry.)

I am alſo of Opinion that every Man on Earth is a Pilgrim towards Happineſs or Miſery; that he that knows not, will not know nor keep God's holy Commandments here in his Life time, tho' he goes in Pilgrimage all the World over, and dies ſo, ſhall be damned, and that he who knows God's holy Commandments, and keeps them to the End, ſhall be ſav'd, tho' he never went in Pilgrimage in his Life, as Men uſe now to go to Canterbury, Rome, *or any other Place.*

The Archbishop, Bishops with several other Doctors there present, having heard his Answer read, he was order'd to withdraw, and after they had consulted together, resolv'd, That his Answer was too general. He was sent for in, and the Archbishop, in the Name of himself and the rest of them, said to him. *Come hither, Sir* John *There are many Good and Catholick Things contain'd in Your Writings, we must own, but you ought to consider that this Day was appointed for you to Answer to some other Point, relating to those Articles of which you have taken no manner of Notice in your Paper, and therefore we do expect you should explain your self more fully concerning them. As for Instance, whether you hold, affirm and believe, that the material Bread remains in the Sacrament of the Altar, or not, after it has been rightly Consecrated by the Priest? Farther, whether you hold, affirm or believe, in reference to the Sacrament of Penance, where a sufficient number of Priests may be had, every Christian is necessarily bound to make a Confession of his Sins to a Priest ordained by the Church, or not?*

To this the Lord *Cobham* reply'd, That he had already declar'd his Mind to them, and that he would give them no other Answer to their Articles than what was expresly contain'd in his Writing. Upon which the Archbishop said unto him, *Sir* John, *have a Care what you do; for if you do not give distinct and positive Answers to the Things laid to your Charge, especially at the time set for you to that End; the Ecclesiastical Law is, that being once cited by a Judge, we may openly proclaim you a Heretick. Do as you will*, reply'd my Lord *Cobham*, *I'll stand to what I have said.* So that whatever Questions the

e Archbiſhop or Biſhops afterwards ask'd m, he refer'd them to the Inſtrument he d given them in Writing, to which he ould adhere even to Death. This is all they uld get out of him that Day, which ſur-iz'd and made them not a little uneaſy.

However the Archbiſhop adviſed him a-in to Anſwer, and at laſt declar'd to him hat the Church of *Rome* had determined in oſe Affairs, to which the Lord *Cobham* an-ver'd, *That he would both readily believe and ob-rve what the Church, inſtituted by Chriſt, had termined, or whatever God required him either do or believe; but that the Pope with his Car-nals, Archbiſhops, Biſhops, or Doctors, Prelates that Church, had a lawful Power to determine ch things as were not wholly conſiſtent with his ord, he ſaid he would not affirm at that time.* Vith this, the Archbiſhop adviſed him to nſider well of the matter till the 21th, hen they expected a direct Anſwer from im, eſpecially as to this Article, *Whether e material Bread remained in the Sacrament the Altar after the Words of Conſecration, not?* Hereupon he promiſed to ſend im thoſe matters clearly determin'd in Vriting, that he might be the more ca-able to make his Anſwer. This the Arch-iſhop ſent next Day to him to the *Tower*, nder the Title of *The determination of the Arch-iſhop and Clergy*; and the Subſtance of it here llows:

'The Faith and Determination of the Church concerning the Sacrament of the Altar is this: That after the Sacramental Words are once pronounced by the Prieſts

'in

'in the Mass, the material Bread is turned 'into Christ's Body, and the material Wine, 'which before was Wine, is turn'd into 'Christ's real Blood; so that from thence 'forwards there remain'd no material Bread 'nor Wine in the Sacrament, which were 'there before the Consecrating Words were 'pronounc'd; How do you believe this Ar- 'ticle?

'The Church has determin'd that every 'Christian here upon Earth ought to come 'to Confession to a Priest ordained by the 'Church, if he can come at one; what say 'you to this Article?

'Christ appointed the Apostle St. *Peter* to 'be his Vicar upon Earth, whose See is the 'Church of *Rome*, and has granted the same 'Power he gave to *Peter*. to all his Succes- 'sors, whom now we call Popes, by whose 'Authority Prelates, such as Archbishops, 'Bishops, Parsons, Curates and other Officers 'are appointed, whom Christians, pursuant 'to the determination of the Church of '*Rome*, are to obey; How do you like this 'Article?

'The Church has declar'd, That 'tis Meri- 'torious in a Christian to go on Pilgrimage 'to holy Places, and there especially to Wor- 'ship holy Relicks, and the Images of Saints, 'Apostles Martyrs, Confessors, and all other 'Saints besides, that are allow'd to be so by 'the Church; What say you to this Article?

The 25th of *September*, *Anno* 1413. being come, on which the Lord *Cobham* was to appear again; the Archbishop ordered his Judicial Seat from the *Chappel* of St. *Paul*'s to the

e *Dominican Fryars* within *Ludgate*. The ersons there present besides the Archbishop ere:

ichard Giffard,
Bishop of *London*.
Henry Woodlock,
Bishop of *Winchester*.
Benedict Nichols,
Bishop of *Bangor*.

The Doctors whom the Archbishop call'd o his Assistance, and that were there present, ere:

Henry Ware,
Official of *Canterbury*.
Philip Morgan,
Doctor of Laws.
Howel Kiffin,
Doctor of the Canon Law.
John Kemp,
Doctor of the Canon Law.
William Carleton,
Doctor of the Canon Law.
John Witnam,
Of New College, *Oxon*.
John Whitehead,
An *Oxford* Doctor.
Robert Wobewell,
Vicar of St. *Laurence Jewry*.
Thomas Palmer,
Warder of *Fryars Minors*.
Robert Chamberlain,
Prior of the *Dominicans*.
Richard Dodington,
Prior of the *Augustines*.
Thomas Walden,
Prior of the *Carmelites*.

All these were Doctors in Divinity, and esides them, *John Stephen* and *James Cole*, both ublick Notaries, were appointed to write own the Proceedings; to say nothing of the ast Appearance there was of Priests, Monks, Canons,

Canons, Fryars, Parish Clerks, Bell Ringers, Pardoners, *&c.*

One of the first things the Archbishop did in Court, was to call for a Mass Book, and to make all the Prelates and Doctors there present, to swear they would every one of them, sincerely do his Duty that Day, and that without any Regard had to Fear or Favour, Hatred or Affection, to any Party whatsoever, nothing should there be sworn, said or done, but was consonant to Truth, as they would answer for the same in the Presence of God, and all the World at the last Day. This done, the two Notaries were also sworn faithfully to set down the Proceedings of the Court, and to speak their Minds of Things, if they knew otherwise, before they registred the same.

Sir *Robert Morley*, Lieutenant of the *Tower*, having brought his Prisoner, the Lord *Cobham*, into the Court, the Archbishop said to him, *My Lord* Cobham, *I am certain you cannot be unmindful of the Proceedings against you on* Saturday *last, in the Chapter House of St.* Paul's, *which are too long to be now repeated: I told you then you were accused for Contumacy and Disobedience to the Church in hopes you would humbly beg for Absolution.* To this the Lord *Cobham* with a chearful Aspect made Answer, *God says by his Holy Prophet*, Maledicam Benedictionibus vestris; *I shall Curse whom you Bless*: Upon which, without any Notice taken of these Words, the Archbishop continued his Discourse, *Sir, I then kindly offered you Absolution, if you would have desired it, and I still do the same, provided you seek it in a due manner and form, as the Church requires.*

To

To this the Lord *Cobham* reply'd, *This I do ſure you, I will not do, for I have never yet of-nded you.* Then kneeling down upon the avement, and lifting up his Eyes towards Heaven, ſaid, *I confeſs before thee, O eternal and iving God, that in the Frailty of my Youth I have rievouſly ſinned againſt thee, by reaſon of my Pride, aſſion, Gluttony, Covetouſneſs and Uncleanneſs: Many Men I have injured in my Wrath, and I have ommitted many other horrible Offences; O Lord, e merciful to me.* And then ſtanding up, with Tears in his Eyes, he ſaid with a loud Voice, *Behold, Good People, behold, they have never ana-hematized me for violating God's Law and his Commandments; but they do moſt cruelly perſecute me and other Men, upon the Account of their own Laws and Traditions, and therefore both they and their Laws, according to the Divine Promiſe, ſhall e utterly deſtroyed.*

The Court could not but ſhew Reſent-ments at theſe Words, and the Archbiſhop having ſaid ſome things in Juſtification of their Proceedings, he began to examine the Lord *Cobham* as to his Faith, and was anſwer'd thus by his Lordſhip: *I do fully and faithfully believe the whole Law of God; I believe all that to be true which is contain'd in the Holy Scriptures; and laſtly, I believe all that my Lord God would have me believe.* This ſaid, the Archbiſhop required him to give his Anſwers to the Wri-ting they had the Day before ſent him to the *Tower*, by way of the Church's Determination in reſpect to the four Articles of which he was accuſed, eſpecially that about the Sacra-ment of the Altar, and what his Belief was concerning it.

The

The Answer the Lord *Cobham* made, was, *That he had nothing to do with that Writing*; but he said, *This was his Belief concerning the Sacrament, That his Lord and Saviour Jesus Christ, sitting at his last Supper with his Disciples, the Night before he suffer'd, took Bread, and giving Thanks to God the Father, bless'd it and broke it, and so gave it to them, saying, Take, eat all of it this is my Body which shall be broken for you; do this hereafter in Remembrance of me. This I do thoroughly believe,* said he, *this is the Faith I am taught by the Gospels of St.* Matthew, *St.* Mark, *and St.* Luke; *as also by the first Epistle of St.* Paul *to the* Corinthians, *and the second Chapter.*

Then the Archbishop asked him, whether he believ'd it to be Bread, after the Consecration, or the Sacramental Words were pronounced over it.

The Lord *Cobham* reply'd, *I believe Christ's very Body to be in the Sign of Bread in the Sacrament, the same Body that was born of the Virgin* Mary, *that suffer'd on the Cross, was dead and buried, and rose the Third Day from the dead and is now glorified in Heaven*

Now one of the Doctors of Law saying, that after the Sacramental Words are pronounced, there is no Bread left, but only the Body of Christ, the Lord *Cobham* upon that spoke to Dr. *John Whitehead*, there present; *You said once to me in the Castle of* Couling, *that the Sacred Host was not Christ's Body; but I then opposed you, and proved his Body was there; tho the Fryars and Seculars could not agree about it, but differ'd in their Opinions: You may remember these were then my Words upon the Occasion.*

Then

Then a great part of the Court made a hout, and cry'd aloud, *We all ſay it is God's ody*; and ſeveral of them very angrily ask'd im, *Whether, after the Conſecration, it was ma- rial Bread or not.* The Priſoner looking then ery earneſtly upon the Archbiſhop, and ſay- g, *I firmly believe it to be Chriſt's Body in the rm of Bread*; *Sir, do not you believe it to be ſo?* he Archbiſhop reply'd, *Yes marry do I.*

Then asking him, whether the Bread, af- r the Prieſt had conſecrated it, was only hriſt's Body, or not; he anſwer'd, *It was hriſt's Body and Bread both, which he proved thus: s Chriſt's Body living here on Earth had both the ivinity and Humanity in it, and had the inviſible ivine Nature cloathed with the Human Nature, hich was only viſible in him: So in the Sacrament u have the very Body of Chriſt and the Bread; at which we ſee with our Eyes, I believe to be read, and that the Body of Chriſt, conſiſting of s Fleſh and Blood, is concealed under it and in- ſible any other way than by Faith. Further, to ove that it is Chriſt's Body and alſo Bread, after e Words of Conſecration, its very plainly expreſs'd one of your own Doctors, I mean* Gelaſius, *in s Book againſt* Eutiches, *ſaying, As the ſelf ſame acraments, by the Operation of the Holy Spirit, paſs to a Divine Nature, and yet ſtill retain the Pro- rty of their former Nature; ſo that Principal yſtery declares it remains one true and perfect hriſt.*

The Court thereupon ſmiled upon one a- other, and many of them haughtily cry'd ut, *Its a peſtilent Hereſy.* The Archbiſhop in he next place, ask'd, what Bread it was? nd the Doctors alſo queſtion'd him as to the laterialiy of it or not? The Lord *Cobham* reply'd,

reply'd, *The Scripture makes no mention of the word* material, *and therefore I have nothing to do with it; but this I say and believe, that it is Christ's Body and Bread; for Christ said in the sixth Chapter of St.* John's *Gospel,* Ego sum Panis vivus qui de Cælo descendi: *I who came down from Heaven, am the living and not the dead Bread. Therefore I say, as before, that our Lord Jesus Christ is true God and true Man. so you have Christ's real Body and Bread both in the blessed Sacrament.*

Then the Court with one Voice cry'd out, *This is Heresy*; and one of the Bishops standing up, said, *Its down right Heresy to say that it is Bread, after the Words of Consecration are once pronounced, but only Christs Body.* The Lord *Cobham* upon this said, *I am sure St.* Paul *the Apostle was as Wise as you are, and yet he in his Epistle to the* Corinthians *calls it Bread:* The Bread that we break, *said he,* is it not a partaking of the Body of Christ. *You see he calls it Bread, and not Christ's Body; but the Means whereby we receive Christ s Body.*

The Court in Answer to this said, St. *Paul must be otherwise understood, for 'tis certainly* Heresy *to say it is Bread, after the Words of Consecration, but only Christ's Body.* The Lord *Cobham* ask'd them, *How they could make that appear*; that it was against the Determination of Holy Church?

The Archbishop taking up the matter, told the Noble Prisoner, *Sir* John, *we sent you a Writing concerning the Belief of the blessed Sacrament, clearly determined by the Church of* Rome, *our Mother, and by the Holy Doctors. I know of none,* said *Cobham, more Holy than Christ and his Apostles; and as to the Determination you mention, I know*

know it is none of theirs, because it does not agree with the Scriptures, but is directly opposite to it; but if it be the Church's, as you say, it has been hers only since she received the grand Poison of worldly Wealth, and not before.

The Court, to stop his Mouth, ask'd him if he did not believe in the Determination of the Church: *No*, says he, *for the Church is God; the Word* In *is mention'd but thrice in the whole Creed, in reference to our Belief*, viz. *In God the Father, In God the Son, In God the Holy Ghost. The Birth, Death, Burial, Resurrection and Ascension of Christ, have no* In *prefix'd to them, but him; neither have the Church, the Sacrament, the Remission of Sins, the Resurrection of the Body, and Life everlasting, any other* In, *than in the Holy Ghost.*

One of the Lawyers taking him up round, and saying, *That is but a word of Office, but what is your Belief concerning the Church?* The Lord *Cobham* reply'd, *My Belief is, as I said before, that all the Scriptures contain'd in the holy Bible are true; all that is grounded upon them, I thoroughly believe; for I know it is God's Will I should do so: But as to your Lordly Laws and vain Determinations, I have no manner of Regard to them; for your Works plainly shew you are no Part of God's holy Church, but very Antichrists, as being obstinately bent against his Holy Law and Will. The Laws that you have enacted, no way tend to his Glory, but only to your own Vain-glory and base Avarice*

The Court being nettled with this Discourse, declar'd it to be abominable *Heresy*, to disbelieve the Determinations of the *Church*. Then the Archbishop asking the Lord *Cobham*, *What he thought of Holy Church*; his An-

swer was, *My Belief is, that Holy Church is made up of such Members as shall be saved, and of whom Christ is the Head: One part of this Church is in Heaven with Christ; another, you say, in Purgatory, and the Third here on Earth.* Then the Archbishop ask'd him, *Can you tell who is of this Church?* And said he, *Yes indeed can I.* Then Doctor *Walden*, Prior of the *Carmelites*, took him up, saying, *You cannot be certain who is yet; for our Saviour in St.* Matthew *says,* Nolite Judicare, *presume to judge no Man. Now if you are in this Text forbid to judge your Brother or Neighbour, much less are you to judge your Superiors.* The Lord *Cobham* reply'd, *Our Saviour says also in the same Chapter, that the evil Tree is known by his Fruit, so is a false Prophet by his Works, let them seem never so glorious; but that you omitted You have also these Words in St.* John, Operibus; *and in another place,* Justum Judicium Judicate: *When we know a thing to be true, we may pass our Judgment on it without Offence; for* David *says also,* Rectè Judicate filij Hominum, *always judge Right by the Children of Men; and as for your Superiority, if you were of Christ's Flock, you would be meek and no proud Superiors.*

Dr. *Walden* not pleased with what the Lord *Cobham* had said, told him he made no Difference of Judgments; *You do not distinguish between Evil Judgments, which Christ has forbid, and Good Judgments, which he has commanded us to have. Rash and Right Judgment is alike to you; such froward Judges are always* Wickliff's *Disciples.* The Lord *Cobham* had his Answer ready, and said to the Doctor, *You have entertained us with a fine Piece of Sophistry; your Judgments are ever prepostrous, and, according to the Prophet*

Isaiah,

Isaiah, *do judge Evil to be Good, and Good Evil, and therefore the same Prophet concludes, that your ways are not God's ways, nor his yours: And as for that good Man* Wickliff, *whose Judgment you so much despise, I do here openly declare before God and Man, that before I knew that despised Doctrine of his, I never abstain'd from Sin; but since I have by it learnt to fear the Lord my God, I hope it has been otherwise with me; so much Grace I could never meet with in all your glorious Instructions.* Then said Dr. *Walden, It would be very bad with me, since there are so many Vertuous Men alive, and Men of so much Learning to expound the Scriptures, and the Examples of the Fathers so rife, should I have no Grace to reform my Life, till I heard the Devil Preach: St.* Jerome *says,* He that seeketh such suspected Masters, shall not find Light, but the Devil at Noon Day. *Your Fathers, the Old* Pharisees, quoth the Lord Cobham, *ascribed the Miracles wrought by Christ to* Belzebub, *and his Doctrine to the Devil, and you as their Natural Children, have the very same Opinion of his faithful Followers. Those that reprove your vicious way of Living, must needs be Hereticks, and this your Doctors must take upon them to prove, when you have no manner of Scripture for it.* Then turning to the whole Court, said, *To judge of you rightly, we need go no farther than your own Actions: Where do you find it written in God's Word, that you are impower'd to sit in Judgment upon Christians, or to pass Sentence of Death upon any Man, as 'tis your daily Practice; you have no Ground in the whole Scripture to assume such a lordly Power as you do, unless in the Example of* Annas *and* Caiaphas, *who sate thus upon our Saviour, and his Apostles after his Ascension. 'Tis from them only you have taken upon you to pass*

Judgment upon the Members of Christ, and not from Peter *or* John.

Then some of the Lawyers spoke and said, *Sir, we must tell you, that Christ judged* Judas: *This the Lord* Cobham *denied, but that* Judas *condemn'd himself, and so went out and hang'd himself: That our Lord said indeed, Woe be unto him for his Covetousness, as still he does to many of you; for since that Venom of his has crept into the Church, you have never follow'd Christ; neither have you knowledge of the Perfection of the Divine Law.*

The Archbishop then ask'd him, *What he meant by that Venom?* His Answer was, *Your Lordships and Estates; for then the Angel cry'd in the Air, according to your own Chronicle, Woe, Woe, Woe; this Day is Poison scatter'd in the Church. Before that time most of the Bishops of* Rome *suffer'd Martyrdom; but since, one has dispossess'd, poison'd, curs'd and murdered the other, besides a world of other mischiefs, well attested in History: And it would be well, if Men would seriously consider, that Christ was meek and merciful; that the Pope is haughty and tyrannical; that Christ was poor and forgiving, and that the Pope is rich and a Murderer, which his Actions daily justifie.* Rome *is the very Seat of Antichrist, from whence all his Disciples come, the Body of whom consists of Prelates, Priests and Monks, and the Fryars make up his Tail, which covers the most filthy Part of him.*

The Prior of the *Augustines* being touch'd herewith, said. *Pray, Sir, why do you say so? You are very uncharitable in your Sentiments.* This *is not my saying alone,* reply'd the Lord *Cobham. The Prophet* Isaiah *had it long before me: The Prophet,* says he, *who preaches Lies is the Tail behind; for as you Monks and Fryars, like the*

Pharisees

Pharisees *in your Habit and Behaviour, are distinguish'd from other People, so you cause Divisions amongst them, and then become the Natural Members of Antichrist.* Then having denounced the Woes of the *Scribes* and *Pharisees*, Hypocrites against them, he told them, *They would not suffer God's Word to be truly preached, for fear of having their own Abominations reprov'd, but suffer'd the Common People to be miserably seduc'd by such flattering Vanities as supported them in their Iniquities.*

By our Lady, Sir, said the Archbishop, *no body shall preach within my Dioceſs, and if I can possibly help it, within my Jurisdiction, who shall create any Divisions or Dissentions among the Common People.* To this the Lord *Cobham* reply'd, *That Christ and his Apostles were accused of sowing Sedition, and yet they were very peaceable Men.* Daniel *and our Saviour propheſied, that such Calamitous Times should come, that the like had not been known since the Creation of the World; and this Propheſy is partly fulfilled in our Days, and by our Actions; for many have ye Slain, and more you will still, if God does not fulfil his Promise. Our Saviour also said, That if those Days were not shortned, scarce any Living should be saved: You may justly expect it, for God will shorten your Days. Again, tho' the Offices of Priests and Deacons, in order to Preach God's Word, administer the Sacrament, and provide for the Poor are warranted by the Gospel, yet I cannot find any manner of Authority for the Institution of the other Sects.*

Now it was that Doctor *John Kemp* pulled out of his Bosom a Copy of the Writing they had sent the Lord *Cobham* in the *Tower*, with a design to shorten their Work as much as

they could, and he said to my Lord *Cobham*, *We must peremptorily know your Sentiments concerning the four following Articles*; and then having read the first of them about the Real Presence in the Eucharist, as before, he ask'd him, *Whether he believed it*: The Lord *Cobham* reply'd, *'Tis not my Belief, but my Faith is as I have already told you, That Christ's true Body under the form of Bread is in the Sacrament.* Upon which the Archbishop spoke; *Sir* John, *you must say otherwise: Nay, that I shall not do, if God is on my side, as I hope he is; but only that there is Christ's Body in the form of Bread there, as the Common Belief is.*

The Doctor having read the second Article about Confession to a Priest, to that the Lord *Cobham* made Answer, *A sickly or wounded Man should have a very able Surgeon, who knows the Original Cause thereof, and the Danger he is in; its therefore absolutely necessary we should in the first place confess our Sins to God, who knows our Ailment, and can relieve us; when I say this, I do not deny but a Person may go to a Priest, if he is a Man of Learning, and of a good sound Conversation; but if my Curate be illiterate and immoral, I ought rather to shun him than go look for him, for I might be in danger of being infected by him, rather than receive any Benefit to my Soul from him.*

The third Article about the Pope's Power, and the rest, being read by the fore-mention'd Doctor, he ask'd him, *Whether he believed it*: His Answer was, *He that comes nighest to* Peter *in Purity of Life, is next to him in Succession; but your lofty Order have little Regard for the Humility of poor* Peter, *whatever you may say of it; neither do you much matter the lowly behaviour of*

his

his Succeſſors till the time of Sylveſter, *who, as I told you, were moſt of them Martyrs; you can overlook all their Vertues and good Qualities, and not trouble your ſelves to imitate them. This all the World ſee and obſerve, and yet what adoe you make about* Peter.

Here one of the Doctors asking him, *What then do you ſay of the Pope?* The Lord *Cobham* reply'd, *As I ſaid before, he and you together make up Antichriſt. of whom he is the great Head; the Biſhops, Prieſts, Prelates and Monks conſtitute the Body, and the Mendicant Fryars are the Tail, who with their vile Sophiſtry cover all your Filth: Neither can I in Conſcience obey any of you all, till I ſee you, like* Peter, *follow the Precepts of Chriſt.*

The Fourth Article being read, which relates to the Merit of Pilgrimage, and the Worſhiping of holy Reliques; he ſaid, *He owed them no ſort of Service by any of God's commands, and therefore I ſhall not run after them in order to gratify your Avarice. I would adviſe you to bruſh the Duſt and Cobwebs clean off, and lay them quite away from you, or elſe bury them decently in the Ground, as you do other aged People who are God's Images. Its very ſtrange that Saints, now they are dead, ſhould grow ſo covetous and needy, and beg ſo earneſtly, who while they lived, hated Covetouſneſs and Begging; but I muſt ſay to you, I wiſh every Body would take Notice of it; that you have by your Shrines and Idolls, pretended Abſolutions and Indulgences, drained all the Kingdoms in* Chriſtendom *of their Wealth and Subſtance.*

One of the Clerks ſaid to him, *Why, Sir, will you not Worſhip good Images?* *What Worſhip ſhould I give?* ſaid my Lord *Cobham.* Fryar

Palmer then put in, saying, *Sir, Will you not Worship the Cross upon which Christ dy'd?*

Lord *Cobham*, *Where is that Cross?*

Fryer *Palmer*, *I put the Question, Sir, in case it was here before you.*

Lord *Cobham*, *He is a mighty wise Man indeed, to propose a Question in earnest about a thing he knows not where it is. Let me ask you what Worship am I to pay to it?*

A Clerk said to him, *Such Worship as St.* Paul *speaks of, and that is this,* God forbid that I should rejoyce, save only in the Cross of Christ. Then the Lord *Cobham* extended his Arms, and spoke, *This is the Cross indeed, nay, and is far better than your Wooden ones, because it was God's Creation; nevertheless I shall not endeavour to have it Worshiped.*

The Bishop of *London* told him, *Sir, you know very well that Christ dyed on a material Cross. Yes, I do very well,* reply'd he, *and I know farther, that our Salvation does not come from that material Cross, but from him who died upon it; and I am very sure that the holy Apostle St.* Paul *rejoyced in no other Cross but in Christ's Death and Passion, and in the like Sufferings of his own, and Persecution for the very same Truths for which our Saviour before suffer'd.*

Then another Clerk ask'd him, *Will you then shew no manner of Reverence to the holy Cross? Yes if it was Mine,* said he, *I would lay it up carefully, and see that it should receive no injury abroad, nor be robbed of its Goods, as 'tis now adays.*

Then the Archbishop taking up the matter, said, *You have uttered many reproachful Words to the dishonour of the whole Body of the Clergy, and set a very bad example to the People, to make them to despise us: We have spent much*

time

me here about you, and for any thing I can find, o no purpoſe: Well, we muſt now cut our Work hort for the Day is far gone; you muſt either ſub-mit your ſelf to the Determination of the Church, r elſe be plung'd into the utmoſt danger, without Remedy; look to it in Time, it will be too late by nd by. The Lord *Cobham* anſwer'd, *I know ot what reaſon I have to ſubmit my ſelf to you, ou have done me much more Injury than I have lone you, in giving me all this Trouble before this Crowd.*

Archbiſhop, *We once require you again to con-ider well of the matter, and laying aſide your He-erodoxy to embrace the univerſal Faith and Be-ief of the holy Church of* Rome, *and ſo like n Obedient Son to return into the Boſom of it; ook to it in Time, while there is Remedy, whereas t will quickly be too late.*

But the Lord *Cobham* poſitively refuſed, and old them, *He would believe no otherwiſe in re-pect to thoſe Articles than as he already explain'd is Meaning, let them do what they pleaſed to him.*

Then the Archbiſhop ſaid *Well, I ſee no other ut that the Law muſt have its Courſe, and that e muſt proceed forthwith to a Definitive Sentence, nd condemn you for a Heretick.* The Archbi-hop thereupon ſtanding up, read his Sentence f Condemnation, all the Clergy and Peo-le there preſent at the ſame time, veiling heir Bonnets.—— The Tenour of the Sen-ence was thus:

IN the Name of God, ſo be it. We *Tho-mas*, by Divine Providence, Archbiſhop of *Canterbury*, Metropolitan and Primate of all *England*, and Legate from the Apoſtolick See of *Rome*, will this to be known unto

all

'all Men. In a certain Cause of *Heresy* and 'upon divers Articles, whereupon Sir *John* '*Oldcastle*, Kt. and Lord *Cobham*, after a de- 'ligent Inquisition made for the same was 'detected, accused and presented before us 'in our last Convocation of all our Pro- 'vince of *Canterbury*, held in the Cathedral 'Church of St. *Paul's London*, at the lawful 'Denunciation and Request of our Clergy in 'the said Convocation, we proceeded against 'him according to the Law, God is our Wit- 'ness, with all possible favour, and follow- 'ing Christ's Example to the best of our 'Power, who willeth not the Death of a 'Sinner, but rather that he should be con- 'verted and live; we took upon us to Cor- 'rect him, and sought all other posible ways 'to bring him back to the Unity of the 'Church; declaring unto him, what the Holy 'and Catholick Church of *Rome* has said, held, 'determined and taught in that Behalf.

'And tho' we found him in the Catholick 'Faith far wide, and so stiff necked, that he 'would not Confess his Error, nor purge 'himself nor yet repent him thereof, yet we 'having a fatherly Compassion upon him, and 'entirely desiring the Welfare of his Soul, 'appointed him a competent time of Deli- 'beration, to see if he would repent and 'seek to be reform'd; but since that time 'we have found him worse and worse. Con- 'sidering therefore that he is incorrigible, 'we are driven to the very Extremity of 'the Law, and with great Sorrow of Heart 'we now proceed to the Publication of the 'definitive Sentence against him.

Here

Here he produced another Inſtrument in writing, containing the ſaid Sentence, which ran thus:

'We take Chriſt to Witneſs, that we ſeek nothing elſe in this our whole Enterprize but only his Glory. For as much as we have found by divers Acts done, brought forth and exhibitted by ſeveral Evidences, Signs and Tokens, and alſo by ſeveral moſt manifeſt Proofs, the ſaid Sir *John Oldcaſtle*, Kt. and Lord *Cobham*, not only to be an evident Heretick in his own Perſon, but alſo a mighty Maintainer of other Hereticks, againſt the Faith and Religion of the Holy Catholick Church of *Rome*, namely about the Sacrament of the Altar and of Penance, beſides the Pope's Power an Pilgrimages; and that he, as the Child of Iniquity and Darkneſs, has ſo hardned his Heart, that he will in no wiſe hearken to the Voice of his Paſtor, neither will he be reclaim'd by ſtrick Admonitions, nor otherwiſe by kind and favourable Expreſſions: The merits of the Cauſe being firſt weighed on the one ſide, and his Demerits again on the other ſide, his Faults alſo aggravated and doubled thro' his damnable Obſtinacy, we being loth that he who is naught ſhould be worſe, and ſo with his Contageouſneſs infect the People, by the prudent Advice and Conſent of the very Reverend Fathers, our Honourable Brethren and Lords Biſhops here preſent, *Richard* of *London*, *Henry* of *Wincheſter*, and *Benedict* of *Bangor*, and of other great, learned and wiſe Men here, both Doctors of Divinity and of the Canon

and

'and Civil Laws, Seculars and Ecclesiasticks,
'with several other knowing and experienc'd
'Men called to their Assistance. We Senten-
'tially and Definitively by this present Wri-
'ting, Judge, Declare and Condemn the said
'Sir *John Oldcastle*, Kt. and Lord *Cobham*, for
'a most pernicious and detestable Heretick,
'convicted of the same and utterly refusing
'to obey the Church again, committing him
'from hence forward as a condemned He-
'retick, to the secular Jurisdiction, Power and
'Judgment, to put him thereupon to Death.
'Farthermore, we Excommunicate and de-
'nounce him Accursed, not only this Here-
'tick here present, but as many else besides
'as shall hereafter in favour of his Error,
'either receive him, or defend him, advise
'or help him, or any other way maintain him,
'as very Favourers, Receivers, Defenders,
'Advisers, Aiders and Maintainers of con-
'demn'd Hereticks.

'And that these Premises may be the bet-
'ter known to all good Christians, we com-
'mit it here to your Charge, and also very
'strickly command you by these Presents,
'that you cause this Condemnation and de-
'finitive Sentence of Excommunication, con-
'cerning this Heretick and his Favourers, to
'be publish'd throughout all Dioceses, in Ci-
'ties, Towns and Villages by your Curate
'and Parish Priests, at such times as they
'shall have the greatest Concourse of Peo-
'ple, and see that it be done after this man-
'ner: As the People are thus assembled
'devoutly together, let the Curate every
'where go into the Pulpit, and there open
'declare and explain this Excess in the Mo-
'ther

ther Tongue, in an Audible and Intelligible manner, that it may be underſtood by every Body; and that from an Apprehenſion alſo of this Declaration, the People may turn off from their evil Ways and Opinions, lately broach'd by Seditious Preachers. Moreover our Pleaſure is, that after we have deliver'd to each of you, who are Biſhops here preſent, a Copy hereof, that you order ſeveral Tranſcriptions to be made of it, and ſo ſend them to the other Biſhops and Prelates throughout our whole Province; that they may alſo ſee the Contents of it ſolemnly publiſhed within their Dioceſſes and Cures. Laſtly, our Will is, that both you and they notify unto us diſtinctly and faithfully the matter as it ſtands without any Evaſion in all its particulars, *viz.* The Day on which you receive this Proceſs, the time when it was executed of us, and after what manner it was executed in all its Circumſtances according the Tenor thereof, that we may know it to be exactly the ſame.

The Archbiſhop of *Canterbury* ſent afterwards a Copy of this Inſtrument on the 10th of *October* 1413, from *Maidſtone* to Dr. *Richard Clifford*, Lord Biſhop of *London*, the Biſhop of *London* ſent another Copy of it to *Robert Marſhal*, a *Carmelitite*, then Biſhop of *Hereford*, and he one from *London* to his Archdeacon and Deans at *Hereford* and *Shrewsbury*; all the other Biſhops did the like.

But to return, when the Archbiſhop had read aloud his Sentence of Death before the People, the Lord *Cobham* with a chearful Countenance, ſaid, *Tho' you Condemn my Body which is*

is but a despicable thing, I am very certain you cannot injure my Soul, no more than Satan could that of Job; *he that created that will of his infinite Mercy, and according to his good Promise save it, of this I make no manner of doubt; and as for the Articles I have already offer'd, I will by the Grace of God adhere to them, even to Death.* Then turning about to the People, and lifting up his Hands, he said with a loud Voice, *Good Christians, Have a Care of these Men, they will otherwise beguile, and lead you blindfold together into Hell; for Christ says plainly to you,* If the Blind lead the Blind, they will both fall into the Ditch.

Then falling down upon his Knees in the Court, with Hands and Eyes lifted up to Heaven, he prayed for his Enemies, saying, *O Eternal God, I beseech thee for thy great Mercy sake to forgive my Prosecutors, if it be thy blessed will.* This done, he was deliver'd into the Custody of Sir *Robert Morley*, and carry'd Prisoner to the *Tower*.

When the Lord *Cobham* was in the *Tower* he sent privately to his Friends, who at his Desire posted up Papers in several parts of the City of *London* to this Effect: *For as much as Sir* John Oldcastle, *Kt and Lord* Cobham, *is unjustly convicted and imprisoned, and by his Enemies basely traduc'd and scandaliz'd among the People, that he should either think or speak otherwise concerning the Sacraments of the Church, and particularly of the holy Sacrament of the Altar than what he has writ in the Confession of his Faith which he presented to the Clergy, and also put up in divers Publick Places in* London: *This is to let all the World know, that he has never since vary'd one Tittle from it; but that that is plainly and sincerely*

his

s Belief. Alſo that all the Sacraments inſtituted the Church, are good and edifying to all that ſhall ſaved, provided they take them as Chriſt and s true Church has appointed. Farther, he ſincerely lieves that Chriſt's Body is verily and indeed in e Sacrament of the Altar, in the form of Bread.

Notwithſtanding this Precaution of the ord *Cobham*'s and his Friends, his Enemies, y their Emiſſaries, ſpread Reports every here, That he was become a new Man, that e had moſt humbly ſubmitted himſelf to the hurch, utterly diſavowing the Opinions he eld before concerning the Sacrament; and herefore ſome Body Counterfeited an Abration for him, which here follows:

IN *dei Nomine Amen.* I Sir *John Oldcaſtle* being denounced, detected and convicted of divers Articles favouring both of Hereſy and Error, before the Reverend Father in God, and my good Lord *Thomas*, by divine Providence, Lord Archbiſhop of *Canterbury*, my lawful and proper Judge in that caſe, do expreſly own and confeſs; That as to the State and Power of our moſt Holy Father the Pope of *Rome*, of his Archbiſhops and Biſhops, and other Prelates the Decrees of the Church and the Holy Sacraments inſtituted in the ſame, eſpecially the Sacraments of the Altar and of Pennance, and other Rites and Obſervances beſides of our Holy Mother the Church, ſuch as Pilgrimages, Abſolutions and the like: I do ſay and affirm before the ſaid Reverend Father the Archbiſhop and elſe where, that I being wickedly ſeduced by ſeveral Preachers, have grievouſly erred, heretically perſiſted

'sisted, blasphemously answer'd and obsti-
'nately rebelled. And therefore I am be-
'fore the said Reverend Father and also the
'other Reverend Fathers in God the Bishops
'of *London Winchester* and *Bangor*, lawfully
'and justly condemn'd for a Heretick.

'Nevertheless having duly weighed things,
'and being desirous hereby to escape that
'temporal Punishment which I deserve to
'undergo as a Heretick at the Appointment
'of my Liege Lord and that most Excellent
'Prince *Henry* V. now King of *England* and
'*France*, and also determined to perfer the
'wholsome Degree, Sentence and Doctrine
'of the Holy Catholick Church of *Rome*, be-
'fore my own and my Teachers and Fol-
'lowers pernicious Opinions. I do freely,
'willingly, deliberately and thoroughly con-
'fess, allow and affirm, That the most Holy
'Father in Christ St. *Peter* and his Successors,
'and especially at this time my most blessed
'Lord Pope *John* XXIII. who now sits in St.
'*Peter*'s Chair, and every of them successively
'have full Power and Authority to be Christ's
'Vicars on Earth, and the Head of the Chuch
'Militant; and that by Vertue of his Of-
'fice, tho' he should be a great Sinner, and to
'be damned in the fore knowledge of God, he
'has full Power and Authority to rule and
'govern, bind and loose, save and destroy,
'to curse and bless all other Christians.

'And I do still, conformable hereunto, con-
'fess, allow and affirm, that all other Arch-
'bishops, Bishops and Prelates, in their Pro-
'vinces Dioceses and Parishes, appointed
'by the Lord Pope to assist him in his Fun-
'ction, and Affairs Ecclesiastick, having had
'in

'in time paſt, now have, and for the future 'ought to have, Power and Authority, to 'rule and govern, bind and looſe, curſe and 'bleſs the Subjects or People of the ſaid Pro-'vinces, Dioceſſes and Pariſhes, and that their 'ſaid Subjects or People ought of right in all 'Things to obey them. Farther, I confeſs, 'grant and affirm, that the ſaid Spiritual Fa-'thers, I mean our moſt Holy Father the 'Pope, Archbiſhops, Biſhops and Prelates, 'have had, now have, and hereafter ought 'to have, Power and Authority, for the Good 'and well Government of their Subjects or 'People, to make Laws, Decrees, Statutes 'and Conſtitutions, nay and to require, com-'mand and force their ſaid Subjects and Peo-'ple to the Obſervance of them.

'Moreover, I confeſs, allow and affirm, 'that all Chriſtians, and every Man in par-'ticular are ſtrictly bound to obſerve all the 'aforeſaid Laws, Decrees, and Conſtitutions, 'ſo made, pronounced and commanded ac-'cording to the Eccleſiaſtical Law, and hum-'bly to obey according to the diverſity of 'the ſaid Powers, as the Laws, Statutes, Ca-'nons and Conſtitutions of our moſt Holy 'Father the Pope; incorporated in his Decrees, Decretals Clementines, Codes, Charts, Reſcripts, Sextiles and Extrava-gants, all over the World; and alſo the Provincial Statutes of Archbiſhops in their Provinces, the Synodical Acts of Biſhops in their Dioceſs, and the Commendable Rules and Cuſtoms of Prelates in their Colledges, and of Curates in their Pariſhes, which all People are bound to obſerve, and alſo moſt humbly to obey. I *John Oldcaſtle*, utterly

‘ forsaking and renouncing all the foresaid Errors and Heresies, and all other Errors and Heresies like to them, lay my Hand here upon this Book or Holy Gospel, and Swear that I shall never more from hence forward, wittingly maintain these or any other Heresies like them, neither shall I advise, assist, help or any time favour any of those, who shall hold, teach, affirm or maintain the same. So help me God and these Holy Gospels.

‘ And that I shall from hence forwards faithfully obey and inviolably observe all the Holy Laws, Statutes, Customs and Constitutions of all the Popes of *Rome*, Archbishops, Bishops and Prelates, as they are contained and determined in their holy Decrees, Decretals, Clementines, Codes, Chartes, Rescripts, Sextiles, Summs Papal, Extravagants, Statutes, Provincial, Synodical Acts and other ordinary Rules and Customs constituted by them; or shall hereafter happen to be directly made or determined. To these and all other the like, will I apply my self with all Might; besides which I will humbly obey and faithfully perform what ever Penannce my said Reverend Father the Archbishop of *Canterbury* shall hereafter enjoyn me for my Sins. Finally I shall take care that all my Seducers and false Teachers, and all other like them, whom I may for the future come to know to be suspected of Heresies and Errors, shall be presented to my Lord, the Reverend Father the Lord Archbishop of *Canterbury*, or to them who have Authority from him, as soon

'soon as I conveniently can, and see that they 'be punished to the utmost of my Power.

This Abjuration never came into the Hands of the Lord *Cobham*, neither was it design'd it should, but only to blind the Eyes of the Ignorant for a time. The Lord *Cobham* having continued in the *Tower* for some time after his Condemnation, made his Escape in the Night, but 'tis not known how to this Day, and fled into *Wales*, where he continued for about four Years.

The Lord *Cobham*'s Tryal as a Heretick we have given you in all the Circumstances of it, I wish we could be as certain and particular in Reference to the Treason laid to his charge. There was some time after the Lord *Cobham*'s Escape, an Insurrection made in *Ficket Fields* near St. *Giles*, *London*, where some of our Historians make mention of 20000 being got together, but how or from whence they are wholly silent; they make them to be *Lollards* and their Adherents, to which Opinions the *Londoners* were wholly averse then, and therefore they came not from thence. No Body averred that Sir *John Oldcastle* was there in Person, only they insinuated he was expected, and that he was privy to the whole Conspiracy: To prove this they have produc'd a Commission of Inquiry and an Indictment, both in *Latin*, of the Lord *Cobham*, Sir *Roger Acton* and others; but so full of Absurdities, Falshoods and Inconsistencies, as *Fox* has evidently made out in his *Martyrology*, that they must needs be Forgeries, and therefore the Reader shall not be troubled with them in this Place.

Its agreed on all Hands that the Lord *Cobham* was taken in *Wales* in *Powis-Land*: Sir *John Grey* of *Berwick* in the County of *Northumberland*, was then Lord *Powis* in Right of *Joan* his Wife, one of the Daughters and Coheirs of *John Charlton*, Kt. Lord *Powis*, and afterwards created Earl of *Tankerville*. This Person being very Zealous for the Religion of the times and the Interest of the Crown, was no sooner inform'd of the Lord *Cobham*'s being within his Lordship, but he raised all the Force he could to take him, which the other being a very stout Man, and always bred to War, would not tamely suffer him to do; but made a very brave and obstinate Resistance. But taken he was at last, and all the States of the Realm being at that time assembled in Parliament at *London*, about raising a Subsidy for the King to carry on his Wars in *France*, they no sooner heard that *Cobham* was taken, but they agreed the Parliament should not be dissolved before he was examin'd, and made answer to the things laid to his charge; and therefore the Lord *Powis* had Orders to bring him wounded as he was, in a Litter, and well guarded to *London*, where he was committed to the *Tower*, and from thence being brought before the Duke of *Bedford*, Regent of the Kingdom, in the King's Absence, in Parliament; his Indictment was read, wherein he was charged with being guilty of the Insurrection in St. *Giles's in the Fields* above-mention'd, and other Treasons by him committed; and being ask'd what he had to say in his own Justification, and why Sentence of Death should not pass upon him. *Walsingham* says, He

diverted

diverted the Diſcourſe, to preach of the mercy of God, and that all Mortals, who had a mind to be followers of God ought to prefer Mercy before Judgment, and that Vengeance pertained only to the Lord, and ought not to be taken by thoſe that Worſhip God, but left to him alone. He uſed many other Words to protract the time, till the Chief Juſtice put the Regent in mind, that he ſhould not ſuffer him to ſpend the time ſo much in vain, and give ſo much trouble to the Peers of the Realm.

The Duke of *Bedford*, the Regent, thereupon requir'd the Lord *Cobham* to anſwer directly to the Things that were laid to his charge; upon which the Lord *Cobham* after ſome Pauſe, anſwered; *To be Judged by you, as of Man's Judgment is the leaſt thing I value.* And going on at that Rate, and nothing to the purpoſe, the Chief Juſtice commanded him again to give them a definite Anſwer, and tell them, if he could, why he ſhould not ſuffer Death; to which he ſtoutly anſwer'd. *That he had no Judge amongſt them, as long as his Sovereign Lord King* Richard *was alive, and in the Kingdom of* Scotland.

This being directly denying the Authority of the preſent Government, the Peers laid hold of it, and without any more Queſtions ſentenced him to be Drawn and Hang'd upon a Gallows, and to be Burnt hanging upon the ſame, which was accordingly executed on the 14th of *December* 1417. in St. *Giles in the Fields*, in the Preſence of ſeveral great Men, and a multitude of People. The ſame Author adds, That the laſt Words the Lord *Cobham* ſpoke was to Sir *Thomas Erpingham*, adjuring him, *That if he ſaw him riſe again the Third Day, he*

would procure his Followers to enjoy their Opinion unmolested; and that he was hang'd with a Chain about his middle, and then Burnt, Gallows and all.

That a Man so good, so wise and so learned as the Lord *Cobham*, should be guilty of such Blasphemy at his Death, is scarce credible, but without standing to make Reflections, others relate the Proceedings against the Lord *Cobham* briefly thus: That he was examin'd and try'd before the Parliament; the former Sentence against him, that is for Heresy, being read, which he did not much oppose, and that he was condemned to be hang'd and burnt, hanging in St. *Giles's-Fields*, which he suffer'd accordingly on *Christmas-Day*, and that the Lord *Powis*, who was the chief Instrument of his Apprehension, had the particular Thanks of the Houses given him for his Pains, and that the Laws were ordered to be put more strictly in Execution against the *Lollards*.

The History of the Tryal of Richard Hunne, *a Citizen of* London, *for Heresy after his Death, and of Dr.* Horsey, *and others for Murdering him, in the Year* 1514.

Richard Hunne, was a Citizen and *Merchant-Taylor* of *London* in the Reign of *Henry* VIII. a Man of good Substance, a fair Dealer, and also a good Catholick, and upon these Accounts well esteem'd by all that knew him. This Man having a Child at Nurse in the Parish of *St. Mary Matfilon*, in the County of *Middlesex*, which Child dyed and was buried there; *Thomas Dryfield*, Clerk, Parson of that Parish, laid claim to the Bearing-Sheet, as a Mortuary due to him for Burying the Child, which the other refusing, and alledging that the Child having no Property in the Sheet, he neither would give it him, nor had the other any just Pretentions of Right to it: The Clerk thereupon Summoned him to appear in the *Spiritual* Court, there to answer his Demands. The Citizen well considering he was like to be born down there, apply'd himself to Counsel learned in the Law for Advice, who instructed him to bring a Writ of *Præmunire* against the Person, and all his Aiders, Counsellors, Proctors and Adherents.

Now the Clergy in general taking the Alarm at this Proceeding, and being apprehensive if they should suffer their Brother to be cast at the Suit of *Hunne*, a Door would

thereby be open'd for others of the Laity, to serve other Clergymen in the same manner; there were no endeavours wanting to bring *Hunne* within the Danger of their Ecclesiastical Laws, and at length they found a way to accuse him of Heresy, before Dr. *Richard Fitz-James*, then Bishop of *London*, who order'd him to be confined a Prisoner in the *Lollards Tower* at *St. Paul's*, and so close that none of his Friends should be allowed to come near him, and some time after he was at the pressing Instigation of one Dr. *Horsey*, the Bishop's Chancellor, brought before his Lordship at his Mannor of *Fulham*, on the 2d. Day of *December*, in the Year above-mentioned, wherein he examined him within his Chappel, concerning the following Articles, collected against him by the said Dr. *Horsey* and his Accomplishes.

1. *That he had read, taught, practised, published and obstinately defended, against the Laws of Almighty God, that Tythes or paying of Tythes was never ordained to be due, save only thro' the Covetousness of the Priests.*

2. Item. *That he had read, taught, preach'd, publish'd and obstinately defended, that Bishops and Priests were the* Scribes *and* Pharisees, *who Crucified Christ and condemned him to Death.*

3. Item. *That he had read, taught, preach'd,* &c. *That Bishops and Priests were Teachers and Preachers, but no Doers nor Fulfillers, of the Law of God, but were for ravening, catching at and taking every thing they could get, but far from giving and parting with any thing.*

4. Item.

4. Item *That whereas one* Joan Baker *was detected of and abjured many great Hereſies as appears by her Abjuration: The ſaid* Richard Hunne *ſaid, publiſhed, taught and obſtinately defended her, ſaying, That the Biſhop of* London *and his Officers had done manifeſt Injury to the ſaid* Joan Baker, *in puniſhing her for Hereſy, for her Words and Opinions were conformable to the Laws of God: Wherefore the Biſhop and his Officers deſerv'd to be more puniſhed for Hereſy than ſhe did.*

5. Item. *That the ſaid* Richard Hunne *had in his Cuſtody ſeveral* Engliſh *Books, which were prohibited and condemned by Law as the Apocalyps in* Engliſh, *alſo the Epiſtles and Goſpels,* Wickliff's *damnable Works, and other Books, containing infinite Errors, which he had for a long time been uſed to read, to act, and daily to ſtudy.*

There were no particular Anſwers to theſe ſeveral Articles ſet down in the Regiſter, but only under them theſe following Words, writ in his Name in a different Hand: *As for theſe Articles I have not ſpoke the Words as they are ſet down, nevertheleſs I have unadviſedly ſpoke Words ſome what tending that way, for which I am ſorry, ask God forgiveneſs, and ſubmit my ſelf unto your Lordſhip's charitable and favourable Correction.* It was confidently affirm'd that theſe Words were writ with his own Hand; but ſeeing the Regiſter, or ſome Body elſe in his ſtead, deputed to record the ſame, has certify'd it only as a matter of Here-Say, as the Words in the Margin which are theſe, manifeſtly make out; *Hoc fuit Scriptum manu propria Richardi Hunne ut dicitur*; there is no manner

manner of Credit ought to be given to any Assertions of that kind, and the less still, in that they made no Scruple to Murder the poor Man, in such a manner as was as horrid, as it was uncommon.

The Examination being over, the Bishop remanded *Hunne* to the *Lollards* Tower again, upon which he was by the Direction of Dr. *Horsey* his Chancellor, seemingly taken out of the Custody of *Charles Joseph*, the Bishop's Sumner, and put into the Hands of *John Spalding* the Bell-Ringer, that they might the better perpetrate the horrid Murder they had projected. In short, the poor Man was on the 4th of *December* found hang'd in the Chamber where he was detained Prisoner. Before the Discovery of which, *John Spalding* that very Morning went out of the way into the City, leaving the Keys of the Prison with one of his Fellows, to deliver them to the Sumner's Boy, who was wont to carry Victuals and other Necessaries to the Prisoner; their Intention being this, That the Boy first finding *Hunne* dead, they, by his Account, might be thought free from all manner of Suspicion, which indeed at first succeeded according to their wishes: For the Boy, with two others of the Bishop's Sumners, going into the Prison to serve him as usual, and finding him hang'd with his Face to the Wall, they were frighted, and immediately ran to the Chancellor, then in the Church, with the horrible News; who forthwith with some of his Colleagues going into the Prison, it was immediately given out that *Hunne* had in Desperation hang'd himself: And so the Rumour passed currently at first, and the Murderers began to think them-

themſelves ſafe from all manner of Diſcovery.

The King having in this manner loſt a Subject, it was fit, and purſuant to the Law, to have an Inqueſt in order to find out truly and faithfully how it was the good Citizen came by his Death. Now while the Coroner and the Inqueſt were engag'd in this Work, according to their Oaths and Duty, the Biſhop went to Work another way, and proceeded *ex officio*, as in Caſe of *Hereſy* againſt the deceaſed; imagining, as likely, that if he were once condemn'd of *Hereſy*, the Inqueſt could do no leſs than find him guilty of Self-Murder; and therefore beſides the Articles, which they affirm'd were objected againſt him in his Life time, Dr. *Head* now collected ſome others out of the Prologue of the *Engliſh* Bible, remaining then in the Biſhop's Hands, which were theſe following.

1. *That the ſaid Book condemns all the holy Canons of the Church, calling them Ceremonies and Inſtitutions of ſinful and ignorant Men, and calling the Pope Satan and Antichriſt.*

2. *He condemns the Pope's Pardons, ſaying, they are but Leaſings.*

3. Hunne's *Book ſays, that Kings and Lords, who are Chriſtians in Name, but Heathens in Principle, defile God's Sanctuary, by introduing Clergymen, who are full of Malice, Avarice and Hereſical, to hinder the knowledge, obſervance, and free Preaching of the Goſpel.*

4. *That*

4. That very Book imports, that Lords and Prelates cruelly persecute those, who would freely and sincerely preach the Gospel, and countenance those who preach up the sinful Traditions and Ordinances of sinful Man, by which he means the holy Canons of Christ's Church.

5. That poor and simple Men are better acquainted with the Truth of the Scriptures, than a thousand Prelates, Religionaries and Schoolmen.

6. That Christian Kings and Princes set up Idols in God's House, and excite the People to Idolatry.

7. That Princes, Lords and Prelates, who do so, are worse than Herod who persecuted Christ, and worse than the Jews and Heathens, who crucified him.

8. That every one that swears by the Virgin Mary, or any other Saint, or Creature whatsoever, ascribes more Honour to the Saints, than he does to the holy Trinity, and so he says they are Idolaters.

9. He says, that Saints ought not to be honoured.

10. He condemns all manner of Adoration, Prayer, kneeling and Oblation to Images, whom he calls Stocks and Stones.

11. He says, that the very Body of our Saviour is not contained in the Sacrament of the Altar but that the Receiving of it is a Commemoration of Christ's Body, being wounded and crucified for us.

12. He

12. *He condemns the Univerſity of* Oxford *with all the Degrees and Faculties in it, whether they be thoſe in the Arts, in the Civil and Canon Law, or Divinity; ſaying, That they obſtruct us in the right way of obtaining the knowledge of God's Law holy and the holy Scriptures.*

13. *He vindicates the Tranſlation of the Bible into* Engliſh, *which is forbid by the Laws of the holy Church.*

These Articles, as alſo the others before ſpecify'd, they ordered ſhould be publickly read the following *Sunday* by the Preacher at *Paul's Croſs*, to which they premiſed this Proteſtation.

Maſters and Friends, I am commanded, for certain Cauſes and Conſiderations, to rehearſe, ſhew, and publiſh here unto you, the Articles of Hereſy *upon which* Richard Hunne *has been examined and detected; ſo am I alſo to produce to you other notorious Articles, heretical Opinions and Tenets, contained in ſome of his Books, and they are here ready for your Hearing.*

When he had read the Articles aloud unto them, he concluded thus: *If any body is deſirous to ſee the Particulars of theſe Articles, or doubtful whether they are contained in this Book or not, he may for his Satisfaction go to my Lord of* London's, *and they ſhall readily be ſhewn him: Moreover, I do here warn and admoniſh you, if there are any amongſt you, who through Ignorance or Inadvertency have been partaking of the ſaid Articles charged upon* Richard Hunne, *or have heard him*

him read this Book, or any other savouring of Heresy; *or have by them any such Books as these, let them repair to my Lord of* London, *between this and next* Candlemas, *and acknowledge their Error, they shall be kindly used, so as to save their Estates and Reputations: And if they do not come of their own accord, but stand out to be prosecuted at Law, they must take it for their Pains, if they be punished according to the Rigour of Law.*

After this open Publication and Admonition, the Bishop examin'd divers of his Clergy and some Laymen, about the Contents of these Articles, and among others they had a Man and a Maid Servant of *Hunne*'s under Examination. They had liv'd with him a long while, but could not Charge him with any thing of moment worth Reprehension; nay, they could say nothing at all to the Articles chiefly objected against him: However, divers of the Priests charg'd him with the Guilt of one Article, some with another, and design'd to proceed speedily to a Sentence of Condemnation; but first there were some short and summary Rules drawn up, for the Bishop's Directions in the solemn Process.

1. 'Let the Bishop sit on his Tribunal in 'our Lady's Chappel.

2. 'Let him recite the Cause of his coming 'thither, and take Notaries along with him, 'to register the Proceedings.

3. Let him declare how generous an Admo- 'nition and Declaration has been made on 'Sunday last at *Paul's Cross*; that all the Fa- 'vourers and Maintainers of *Richard Hunne's* 'Errors, should come by a Day appointed,

'and

and make their Submiſſion; and withal, let him ſignify how ſome Perſons have already come in and made their Appearance.

'Let him further proteſt and ſay, that if there are any other who have not yet appear'd, according to the former Summons and Admonition, if they will ſtill come in, and ſo make their Submiſſion, they ſhall be kindly and favourably heard and received.

5. 'Let the Biſhop, or ſome body elſe by his Order, recite the Articles laid to the Charge of *Richard Hunne*, in his Life time, and then the other Articles which were extracted out of his great Bible.

6. 'Let the Anſwers and Confeſſions of the ſaid *Hunne* be ſummarily recited, with the Atteſtations made to the ſaid Articles: Let his Books likewiſe be exhibited, and then his Servant *Thomas Brook* call'd for.

7. 'Let Proclamation be made at the Choir Door, that if any body will take upon them to defend the Articles Opinions, Books or Memory of the ſaid *Richard Hunne*, let them make their Appearance, and they ſhall be heard, as the Law directs in that Behalf.

8. 'Let Proclamation be made as before, that all thoſe who are the Receivers, Favourers, Defenders and Followers of the ſaid *Richard Hunne*, make their Appearance, and ſubmit themſelves to the Biſhop, or elſe he deſigns to proceed to a general Excommunication of them, according as the Law requires in that Behalf.

9. 'Then the Biſhop, addreſſing himſelf to the People, and to thoſe of the Clergy who ſate with him on the Bench, he ask'd them

'what

'what their Opinion was of the Premiſes, 'and whether they thought it convenient 'and agreeable for him to paſs Sentence a- 'gainſt the ſaid *Richard Hunne* upon that ac- 'count.

10. 'Having given their Opinion and Con- 'ſent to it, let the Biſhop read the Sentence 'aloud in the Court.

11. 'The Sentence being read, let the 'Biſhop appoint the Publication of it at *Paul's* '*Croſs*, or elſewhere, as he ſhall judge moſt 'convenient, with a Citation likewiſe againſt 'all the Receivers, Favourers and Followers 'of the ſaid *Richard Hunne*, with Intimation 'of farther Proceedings againſt them.

Having gone thus far, he proceeded to Judgment againſt the dead Body of *Richard Hunne*. There were preſent in Court, beſides the Biſhop of *London*, thoſe of *Durham* and *Lincoln*, with many Doctors both in Divinity and the Canon Law; ſo that what they did was look'd upon as an Act of the whole Clergy, and what was done by them was, to Sentence his dead Body to be burnt; and having deliver'd the ſame to the Secular Power, it was executed accordingly on the 20th of *December* 1514. in *Smithfield* ſixteen Days after he had been barbarouſly murther'd, as aforeſaid.

This Proceeding produc'd more different Effects than what was really expected; for it was hop'd, that *Hunne* being found a Heretick, no body for the future would have ſtirr'd in his behalf: Whereas on the contrary, it occaſion'd loud Clamours; the Man having liv'd in very good Reputation amongſt

his

his Neighbours; ſo that from thence forward the City of *London* was never well affected to the *Popiſh* Clergy, and I pray God they never may again; but inclined to follow any body who ſpoke againſt them, and every body look'd upon it as a Cauſe of Common Concern: All exclaim'd againſt the Cruelty of their Clergy; that for a Man ſuing a Clerk according to Law, he ſhould be long and ſeverely uſed in a cruel Impriſonment, and at laſt inhumanly murder'd, and all this laid on himſelf, to defame and ruin his Family; and then to burn that Body which they had ſo uſed, was thought ſuch a Complication of Cruelties, as few Barbarians would have been guilty of.

There might be hopes indeed that all this Clamour would be over in time, and the thing forgot; what grated moſt for the preſent, was, the Coroner's Inqueſt, who were extreamly diligent in their Duty: They were ſeveral times ſent for before the Privy Council, and the King himſelf ſometimes preſent; at other times they appear'd before the Chief Judges and Juſtices of the Kingdom, who obſerving how the Clergy intereſted themſelves in the Affair, it was left wholly to the Inqueſt, who found Dr. *Horſey*, the Biſhop of *London*'s Chancellor, *Charles Joſeph*, his Sumner, and *John Spalding*, the Bell-Ringer of St *Paul*'s, had committed the Murder upon the Body of *Richard Hunne*, and they brought in their Verdict in theſe Words.

THE *Fifth and ſixth Day of* December, 1514. *in the ſixth Year of the Reign of our Sovereign Lord King* Henry VIII. William Barn-

well, Coroner of London, the Day and Year above said, within the Ward of Castle Baynard of London, assembled a Quest, whose Names afterwards do appear; and hath Sworn them truly to enquire of the Death of one Richard Hunne, who lately was found dead in the Lollards Tower within Paul's Church of London; whereupon all We of the Inquest together went up into the said Tower, where we found the Body of the said Hunne hanging upon a Staple of Iron, in a Girdle of Silk, with fair Countenance, his Head fair kemmed, and his Bonnet right sitting upon his Head, with his Eyes and Mouth fair closed, without any Stirring, Gaping, or Frowning; also without any driveling or sparging in any part of his Body: Whereupon by one Assent we all agreed to take down the dead Body of the said Hunne, and as soon as we began to heave the Body, it was loose, whereby by good Advisement we perceived, that the Girdle had no knot about the Staple, but it was double cast, and the Links of an Iron Chain, which did hang on the Iron Staple, were laid upon the same Girdle, whereby it did hang; also the knot of the Girdle that went about his Neck stood under his Left Ear, which caused his Head to lean towards his Right Shoulder; notwithstanding there came out of his Nostrils two small Streams of Blood, to the Quantity of four Drops; save only those four Drops of Blood, the Face, Chin, Doublet, Collar and Shirt of the said Hunne, was clear from any Blood: Also we find, that both the Skin of his Neck and Throat beneath the Girdle of Silk, was freat and fallen away with that thing which the Murderers had broken his Neck withal: Also the Hands of the said Hunne were wrung in the Wrists, whereby we perceived that his Hands had been bound. Moreover, we find that within the said Prison was no means whereby any Man might hang himself, but only

only a Stool, which Stool ſtood upon a Bolſter of a Bed, ſo tickle, that any Man or Beaſt might not touch it ſo little but it was ready to fall; whereby we perceived that it was not poſſible that Hunne *might hang himſelf, the Stool ſo ſtanding. Alſo all the Girdle from the Staple to his Neck was too little for his Head to come out thereat: Alſo it was not poſſible that the ſoft Silken Girdle could break his Neck, or Skin beneath the Girdle: Alſo we find in a Corner ſomewhat beyond the Place where he did hang, a great Parcel of Blood: Alſo we find upon the Left ſide of* Hunne's *Jacket, from the Breaſt downwards, two great Streams of Blood: Alſo within the Flap of the Left ſide of his Jacket, we find a great Cluſter of Blood, and the Jacket folden down thereupon; which thing the ſaid* Hunne *could never fold nor do after he was hang'd; whereby it appeareth plainly to us all, that the Neck of* Hunne *was broken, and the great Plenty of Blood was ſhed before he was hang'd: Wherefore all we find by God and all our Conſciences, that* Richard Hunne *was murder'd. Alſo we acquit the ſaid* Richard Hunne *of his own Death.*

Alſo there was an end of a Wax-Candle, which John *the Bell-Ringer ſaith, he left in the Priſon burning with* Hunne *that ſame* Sunday *at Night, that* Hunne *was murder'd, which Wax-Candle we found ſticking upon the Stocks, fair put out, about ſeven or eight Foot from the Place where* Hunne *was hang'd; which Candle after our own Opinion was never put out by him, for many likelyhoods which we have perceived. Alſo at the going up of Maſter Chancellor into the* Lollards *Tower, we have good Proof, that there lay on the Stocks a Gown of Murrey or Crimſon in Grain furred with Shankes, whoſe Gown it was we could never prove, nor who bore it away. All we find that Maſter* William Horſey,

Chancellor to my Lord of London, *hath had at his Commandment both the Rule and Guiding of the said Prisoner. Moreover, all we find, that the said* Horsey, *Chancellor, hath put* Charles Joseph *out of his Office, as the aforesaid* Charles *hath confess'd, because he would not deal and use the said Prisoner so cruelly, and do to him as the Chancellor would have had him to do. Notwithstanding the Deliverance of the Keys to the Chancellor by* Charles *on the* Saturday *at Night before* Hunne's *Death, and* Charles *riding out of the Town on that* Sunday *in the Morning ensuing, was but a Convention made betwixt* Charles *and the Chancellor, for to colour the Murder; for the same* Sunday *that* Charles *rode forth, he came again to the Town at Night, and killed* Richard Hunne, *as in the Depositions of* Julian Littel, Thomas Chicheley Thomas Simondes, *and* Peter Turner, *do appear.*

After colouring of the Murder, betwixt Charles *and the Chancellor conspired, the Chancellor call'd to him one* John Spalding, *Bell-Ringer of* Paul's, *and delivered to the same Bell-Ringer the Keys of the* Lollards *Tower, giving unto the said Bell-Ringer a great Charge, saying,* I charge thee to keep Hunne more streightly than he hath been kept, and let him have but one Meal a Day. Moreover I charge thee let no body come to him without my License, neither to bring him Shirt, Cap, Kerchief, or any other thing, but that I see it before it come to him. *Also before* Hunne *was carry'd to* Fulham, *the Chancellor commanded to be put on* Hunne's *Neck a great Collar of Iron with a great Chain, which is too heavy for any Man or Beast to wear and long to endure.*

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The Inqueſt ſaid further in their Verdict, *That there was good Proof, that the Chancellor before* Hunne's *Death went up into the* Lollards *Tower, and kneeling down before* Hunne, *held up his Hands to him, and begg'd him to forgive him whatever he had done or muſt do to him: That the Chancellor the next* Sunday *commanded the Penitentiary of St.* Paul's *to go up to him, to read a Goſpel, and to prepare Conſecrated Bread and Water for him, which he was to adminiſter to him, and he did ſo accordingly; and the Chancellor likewiſe commanded he ſhould have his Dinner given him, during which* Charles, *his Boy, was ſhut up with* Hunne *in his Priſon, a thing never done before by them. The Bell-Ringer after Dinner let the Boy out, ſaying,* Come no more hither with Victuals for him till to morrow Noon; for my Maſter the Chancellor has commanded me to let him have no more than one Meal a Day: *That* Hunne *was murder'd the ſame Night, which Murder could not have been committed without the Leave and Approbation of the Chancellor, and the Privity of* John Spalding *the Bell-Ringer; for no body could get into the Priſon without the Keys, which were in the Bell-Ringers Cuſtody. It appears further by my Lord of* London's *Book, that* John *the Bell-Ringer is a poor ſimple Fellow, and therefore we all conclude, the Murder could not be committed without the Chancellor's Order, and the Privity of* John *the Bell-Ringer.*

Further, Charles Joſeph *in the* Tower *of* London, *declared voluntarily and without any manner of Conſtraint, that the Chancellor drew up and ſet down with his own Hand all the Hereſies, which were laid to* Hunne's *Charge, atteſted by* John Gad, John True, John Paſmere, Richard Gibſon *and ſeveral others Again,* Charles Joſeph *af-*

firms, that when Hunne *was murder'd,* John *the Bell-Ringer carry'd a Wax-Candle up Stairs into the* Lollards *Tower with the Keys of the Door hanging on his Arm: That* Charles *himself went next him, and the Chancellor last: That when they were all got up, they found* Hunne *lying on his Bed, upon which the Chancellor said,* Lay Hands on the Thief; *and so they all murder'd him.* Charles *put the Girdle about the Prisoner's Neck; that then* John *the Bell-Ringer and himself lifted him up, and that the Chancellor pulled the Girdle over the Staple, and so they hang'd him.*

To put this cruel Murder still past all doubt, *Julian Littel,* a Servant Maid of *Charles Joseph's,* freely depos'd, that her Master on *Wednesday* Night, after the Death of *Richard Hunne,* came Home to Supper, to whom she said, *Master, I was inform'd you were put into Prison*: That *Charles* answer'd, *There is a Pleasure in turning the Penny:* That when he had Supp'd, he pack'd up some of his Goods, and with *Julian's* Assistance carry'd them to Mr *Porter's* House: That when that was over, he said to her, Julian, *If thou will be sworn to Secrecy, I will make a Discovery to thee*; to which the Wench answered *Yes, So it be neither Felony nor Treason,* he thereupon took a Book out of his Pocket, and she swore to him Secrecy upon it. This done, he said to *Julian, I have made away with* Richard Hunne. *Alas! Master,* said the Maid, *He was reputed an honest Man: Charles* answer'd, *I have put a Wyre into his Nose. Alas!* cry'd *Julian You are now quite ruin'd and undone.* Then quoth *Charles,* Julian, *I confide in thee that thou will keep my Counsel:* To which having answer'd *Yes,* she advis'd him for God's Sake

ſake to ſhift for himſelf. Then ſaid *Charles*, *I had rather have given an Hundred Pounds than that it ſhould have been done; but 'tis over and cannot be recall'd.* Farther, *Charles* was then ſo free, that he told *Julian*, *I rode to my Couſin* Barington's *on* Sunday, *was very merry there, and tarried all Day till it was Night, and yet I was in* London *before Midnight, and had murder'd* Hunne: *I rode thither again next Day, din'd and ſent for ſome Neighbours, where we made good Cheer.* Then *Julian* asking her Maſter, where he put up his Horſe that Night he came to Town, and why he did not come Home? *Charles* anſwer'd, *I would not come Home for fear of being diſcover'd.* This lead *Julian* to ask her Maſter, *Who was with you at the murdering of* Hunne; he reply'd, *I will not tell you.*

Julian added, *That her Maſter tarry'd all Day at Home and in great fear; that he went out on the* Friday *Morning before Day-light, as he ſaid, to St* Paul's, *and at his Return ſeemed much afraid, ſaying,* Get me my Horſe ready; *and ſo with much Haſte and Trembling, making himſelf ready for Riding, he bids Mr.* Porter's *Lad lead his Horſe up into the Field, behind the Back ſide; and then he put in his Maſe or Maſor into his Sleeve, with ſome other Plate borrowed of Mr.* Porter, *both of Gold and Silver: But the Value or Quantity ſhe could not tell; and ſo going into the Field after his Horſe,* Julian *brought his Wallet after him.* Farther ſhe depos'd, *That* Charles *her Maſter came Home late in the Night time on* Friday *in the Chriſtmas Week following, bringing along with him three Bakers and a Smith that liv'd at* Stratford, *and the ſame Night carry'd away all his Goods by the Field way to the* Bell *in* Shore-

ditch, *and early in the Morning from thence in Carts to* Stratford.

Over and above what is here declared, *Julian* said, *That* Charles *on the* Saturday *Night before* Hunne's *Death, brought a Gurnard Home along with him, saying it was for* Hunne; *and* Charles's *Boy told* Julian, *That there was also a Piece of fresh Salmon provided, which* John *the Bell-Ringer had: That* Charles *had said also to* Julian, *Were it not for the ugly trouble that would attend it, I could bring my Lord of* London *to the very Doors both of Heretical Men and Women in* London, *which would be worth a Thousand Pounds, but I am afraid the wicked Midwife will betray us all.* He also said the same thing and more at large to *Porter*, and using these Words, *The very best in* London: To which *Porter* reply'd, *My Lord Mayor is the best in* London; to which *Charles* rejoyn'd, *I will not excuse him altogether, since he takes this Business to Heart.*

And whereas *Charles Joseph* did alledge, *That he lay in* Barrington's *House with another Man's Wife, all that Night wherein* Richard Hunne *was murder'd, and tarry'd there the next Day till eleven of the Clock; and to prove the same brought* Barrington's *Wife and the Whore he lay with before the Privy Council*; this was wholly false, as very plainly did appear, by the Depositions of *Julian Littel*, *Thomas Chicheley*, Taylor, *Thomas Simondes*, Stationer, *Robert Johnson* and his Wife, and of *John Spalding* the Bell-Ringer. To this was added, that *Peter Turner*, *Charles Joseph's* Son-in-Law, had said to a good Woman, a Wax-Chandler's Wife, *That before that Day Sevennight*, Hunne *should have a disastrous Death*: As also the saying of *John Spalding* himself to *John Enderbye*, a Barber, *That there was so grie-*

vous

us a Pennance deſign'd for Hunne, *that when eople came to hear of it, it would greatly amaze em.*

A great many other Informations and Cir-mſtances concurred to make theſe Wretches uilty of the Murder; all which ſeem to recede the Confeſſions of ſome of the Crimi-als themſelves. Now the Biſhop of *London* nding no Endeavours omitted to ſearch into e Bottom of the whole Affair, he uſed his tmoſt to ſtifle it, and one of the beſt ways e could think of was to apply himſelf to that reat Favourite Cardinal *Woolſey*; *Beſeeching m to ſtand a Friend to his poor Chancellor, then Cuſtody, and indicted by a treacherous Inqueſt, r the Murther of* Richard Hunne, *upon the bare ccuſation of* Charles Joſeph, *forc'd to it by his fferings and Impriſonment: That by his Interpo-ion, the King might order the Matter to be duly d thoroughly examined by indifferent Perſons of s Privy Council, in the Preſence of the Parties, fore any thing was done further therein; and that on the Manifeſtation of the Innocence of his Chan-llor, his Majeſty would order the Attorney Gene-l to confeſs in Court, that the ſaid Indictment was lſe; for I am very certain if my Chancellor comes be try'd by a Jury of Twelve Men in* London, *ey are ſo maliciouſly bent, and ſuch Promoters of ereſy, that they will convict any Clergyman, tho' were as Innocent as* Abell: *Wherefore, bleſſed ther, if you help our Infirmities, we ſhall for ever obliged to you; and beſides all this I humbly in-at you, that I may obtain his Majeſty's Favour, om I never offended in my Life, and that by your ervention I may be admitted to ſpeak with him d you, and I and all Men ſhall pray for the long ntinuance of your Proſperity.*

But

But all this was not able to prevent the Sentence of the Inquest, and the Imprisonment of some of the Murderers: However, the Cardinal and the Bishop bestirr'd themselves, in order to stop any further Proceedings; but the Fact was so foul and evident, that it could not be done, and this Opposition made it the more generally to be believ'd. In the mean time a Parliament being call'd, a Bill was sent up by the Commons to the Lords, for restoring *Hunne*'s Children, which was pass'd and had the Royal Assent; but another being brought in about the cruel Murder, it occasion'd great Heats amongst them: This Bill, among other things, importing, *That the Jury, who sate upon* Hunne, *were honest Men.* The Bishop of *London* said, *Upon his Conscience that they were false and perjured Caitiffs, and adjur'd the Lords for God's sake to put a stop to that Affair; which, if they did not, he durst not tarry in his House for fear of Heretick*; adding, *That* Hunne *had hang'd himself, and no other ought to suffer for it.*

While these things were in Agitation there were Warrants out against Doctor *Horsey*, the Bishop's Chancellor, who had the chief Hand in the Murder, and absconded in the Archbishop's House; tho' it was pretended he was a Prisoner there, till afterward a sort of a Temper was found out, that he should surrender himself a Prisoner at the King's Bench Bar, in order to be try'd: But the Bishop was indefatigable in his Sollicitations of the Cardinal, that he would move the King to lay his Commands on the Attorney General, to confess in Court that the Indictment was not true, that it might not

e referr'd to a Jury. The King, it ſeems, was not willing to irritate the Clergy too much at that time, and judging he had main-ain'd his Prerogative by bringing in *Horſey* o the Bar, order'd the Attorney to do ſo: And accordingly when *Horſey* was brought to he Bar, and indicted for Murder, he pleaded ot Guilty; which the Attorney acknowledg-ng he was diſmiſs'd, and went to live at *Exe-er*; from whence he never, either for fear r ſhame, return'd to *London*.

Hunne's Goods, to the value of fifteen hun-red Pounds, were, purſuant to the Act of arliament, and the King's Letters upon it, eſtor'd to his Children; but ſuch a Repara-ion made for the honeſt Man's Life, is ſcarce arallel'd in Hiſtory. My Readers may ask e how I came to bring in this Story amongſt he remarkable Tryals in *England?* I anſwer, have brought *Horſey* to his Tryal, and do elieve that thoſe who did not proceed there-n, have accounted for it long ago. I do not hink there is the like Example in any Age r civiliz'd Nation, nor ſcarce a more noto-ious Inſtance of the failure of Juſtice. I hope t will be conſider'd, that the Matter hap-en'd in the Time of Popiſh Superſtition and dolatry, and that the People being now more nlighten'd in the Knowledge of the Truth, ricter Juſtice would be done. It was not ufficient here, that the Chancellor ſhould ſcape, but that the other Villains ſhould alſo o unpuniſh'd, and this under the ſpecious retence of Juſtice, it being thought not rea-onable that the one ſhould ſuffer without he other. However, to do as much Honour nd perpetuate the Memory of the Coroner

and

and his Inquest, as far as lyes in my Power, I shall add a List of their Names in this Place.

Thomas Barnwell, Coroner.

John Bernard,	*Robert Bridgwater*,
John Sterte,	*Thomas Busted*,
William Warren,	*Gilbert Howell*,
Henry Abraham,	*Richard Gipson*,
John Aborow,	*Christopher Croston*,
John Turner,	*John God*,
Robert Allen,	*Richard Holt*,
William Marler,	*John Pasmere*,
John Burton,	*Edmund Hudson*,
James Page,	*John Anusel*,
Thomas Pickehil.	*Richard Cowper*,
William Burton,	*John Time*,

The *Tryal of* Edward Stafford, *Duke of* Buckingham, *the laſt Hereditary Lord High Conſtable of* England, *for Treaſon in the* 13*th Year of the Reign of King* Henry VIII.

EDward *Stafford*, Duke of *Buckingham*, was as nobly deſcended as any Subject in the Kingdom, and as highly, for a time, in the Favour of his Prince, for which there was no ſmall Reaſon, ſeeing his Father *Henry*, Duke of *Buckingham*, had loſt his Life by endeavouring to dethrone King *Richard* III. and make *Henry*, Earl of *Richmond*, afterwards *Henry* VII. King of *England*. His Fortune was alſo very large, and his Allyances great and Powerful, all which could not ſecure him from the Deſtruction, which the Malice and Revenge of Cardinal *Wolſey* brought upon him. The firſt Seeds of Diſcontent were ſown in 1520, about the time of the intended Interview between *Henry* VIII. and *Francis* of *France*: For the Cardinal having ſummoned the chief Nobility to attend the King upon that ſolemn Occaſion; ſome of them, and eſpecially the Duke of *Buckingham* complained too freely of the Extravagance of the Expence, and laid the Blame of the whole upon the Cardinal, who being of a very vindictive Nature, would never forgive; to which it was ſaid, another adventure alſo did not a little contribute, which was this: The Duke of

Buckingham

Buckingham, according to his Place, holding the Silver Bason for the King to wash his Hands, *Henry* had no sooner done, but the Cardinal dipped his Hands into the Water; but the Duke disdaining to hold the Bason to a Man of so mean an Extraction, tho' then a Cardinal, spilt some of the Water in his Shoes. This the Cardinal highly resented, and said, *He would sit on his Skirts for it*: Upon which the Duke next Day appear'd at Court without any Skirts to his Doublet, to the Amazement of many there, who knew not the meaning of it. But the Duke made no secret of it, and seeming to stand in defiance of the Carcinal; Things were push'd on to greater extremities. Nevertheless none of those who were to attend the King to the Interview, had so rich and splendid an Equipage as the Duke of *Buckingham*; who coming to *London* in order to attend his Majesty on his Journey, and finding the King was not ready, he set out before and went to an Estate he had in *Kent*. There during his stay, were grievous Complaints made to him against *Charles Knevet*, who was his Steward or Surveyor, in those Parts, for extortion and other oppressive Acts; for which the Duke thought fit to discharge him out of his Service: And this Act of Justice laid the main Foundation stone of his Ruine, so fatal did their Servants prove to the House of *Stafford*.

The Cardinal omitted all this while no proper Opportunities to buss into the Kings Ears strange Surmises of the Duke's Unfaithfulness and Disaffection to his Majesty; and coming quickly to understand that *Knevet* was discarded,

iſcarded, he thought him the moſt proper nſtrument he could meet with to facilitate he Duke's Ruine, and therefore he ſeem'd o enter into a Confidence with *Knevet*, who as readily brought to give an account of he Duke's Life and Actions. That he ſhould ear him ſay, He ſhould manage Matters o as to obtain the Crown for himſelf, in aſe the King dyed without Iſſue; and that e had had Conference upon that Head with *eorge Nevil*, Lord *Abergavenny*, to whom he arry'd his Daughter, and that he had alſo hreatned to puniſh the Cardinal for all is ill Actions, and being his Enemy without Cauſe.

The Cardinal having proceeded thus far, ent to the King and laid before him the anger he was in from the wicked Deſigns f the Duke of *Buckingham*, and therefore dviſed him without delay to provide for his wn Safety. To this Accuſation aggravated o the Height by the Cardinal, the King made nſwer, *If the Duke deſerves Puniſhment, let it e inflicted upon him accordingly.* The Duke here-pon was ſent for to come to *London*, where e was preſently taken into Cuſtody, and n the 16th of *April* carry'd to the *Tower* y Sir *Henry Marney*, Captain of the Guards. t the ſame time they took up a Monk amed *John de la Car*, *alias Court*, the Duke's onfeſſor, and *Gilbert Perk*, a Clergyman, his hancellor.

The Duke being in ſafe Cuſtody, Inquiſi-on was made in divers Counties of the ingdom, of Matters to be laid to his charge; nd ſo there was a Bill of High Treaſon found gainſt him by the Gentlemen of *Surrey*, for

words

words spoke by him at *Blechinley* to the Lord *Abergavenny*, which Lord, as also the Lord *Mountacute*, were sent to the *Tower*. Moreover, the Duke also, to use the Words of my Author, was by an Inquest of which one *Giles Gerrard* was Foreman, indicted upon several Articles of High Treason, at *Guild-hall*, *London*, before Sir *John Brugge*, Kt. Lord Mayor of that City; and the Substance of the Indictment was: *That the said Duke intending to exalt himself and to usurp the Crown and regal Dignity. and to deprive the King's Majesty of it; that so he might take the same upon himself against his Allegiance, had on the* 10th of March *in the Second Year of the King's Reign, and at several other times, both before and after, imagined and compassed the King's Death and Destruction at* London *and at* Thorbury *in the County of* Gloucester; *and in order to the accomplishing of his wicked Designs and Purposes, he sent one of his Chaplains,* John de Court *by Name on the* 24th *Day of* April, *in the Fourth Year of the King's Reign, to the Priory of* Henton *in the County of* Somerset, *which is a House of* Carthusian *Monks, the substance of whose Message was To know of one* Nicholas Hopkins *a Monk of the same House, who was reputed to have the Foreknowledge of future Things revealed to him what should happen concerning the Matters he had entertained in his Imagination, causing the said de* la Court, *first to Swear to him, he would never divulge the Words to any other Person whatsoever besides the Duke himself, did thereupon declare That the Duke his Master should have All, advising him the better to accomplish his Ends to engage the Affections of the People to him: That de* la Court *returned with this Answer which he re-*

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* He m
re were

ported to the Duke next Morning, being the 25th of April *at* Thorbury.

That the Duke on the 22d of July *the ſame Year, ſent the ſame* de la Court *with Letters to the ſame Monk, in order to be further inform'd in that matter. The Monk anſwer'd again, He ſhould have All: but Being now, as well as before, asked, How he knew this to be true; he ſaid,* By the Grace of God; *and with this Anſwer* de la Court *returning again to his Maſter, he declar'd the ſame to him on the 24th of* July *at* Thorbury. *Moreover, that the Duke ſent* de la Court *the Third time to the ſame Monk with a Letter the 5th of* April, *in the Fifth Year of the King's Reign, when he was about his Expedition into* France, *deſiring to know what would be the Iſſue of thoſe Wars, and whether the King of* Scots, *during his Majeſty's Abſence, would invade the Realm or not; that the Monk among other Things in anſwer to the Duke's Letter, ſent him Word, the King ſhould have no Iſſue Male.*

Again, that the ſaid Duke on the 20th of February, *in the Sixth Year of the King's Reign, being at* Thorbury, *ſaid theſe Words to* Ralph, *Earl of* Weſtmorland, Well, there are two new Dukes * created here in *England*, but if the King ſhould any way miſcarry, the Duke of *Buckingham* would be the next in Blood and Succeſſion to the Crown. *That the Duke himſelf after this,* viz. *on the 16th of* April, *in the ſaid Sixth Year of the King's Reign, went to the Priory of* Henton, *and there had a Conference with* Nicholas Hopkings, *the ſaid Monk, who*

M *told*

* *He meant the Dukes of* Norfolk *and* Suffolk, *for there were no other beſides himſelf in the Kingdom.*

told him, That he should be King, to which the Duke reply'd, If it should so happen, he would act the Part of a good and just Prince. That the Monk told the Duke farther, That he knew this by Revelation, and advised him by all manner of means to acquire the Love of the People the better to accomplish his designs.

That the Duke at the same time, promised to give every Year to the said Priory Six Pounds to buy them a Tun of Wine; that he promised besides to the same Priory Twenty Pounds in ready Money, of which he gave Ten in hand, towards conveying Water by a Conduit to be erected for the use of the House; that he gave at that time to Nicholas Hopkins a Reward of Three Pounds, Forty Shillings at another time, once a Mark, and Six and eight pence upon another occasion. That he came after this, viz. on the 20th of March, in the 10th Year of the King's Reign, to the same Priory, and presently had a Conference with the same Monk about the Premisses; and that the Monk also told him, That he should be King. That the Duke said He had done very well to enjoyn John de la Court to an Oath of Secresy, for if the King should come to the knowledge of these Things it would be his Ruine.

Farther, that the said Duke, on the 20th of October, in the Seventh Year of the King, and at divers times, as well before as after, had sent his Chancellor, Robert Gilbert, to London, there to buy Cloaths of Gold and Silver, and Velvet, as much each time as amounted to Three hundred Pounds to the Intent that the said Duke might confer the same, as well upon Knights, Esquires and Gentlemen of the King's Houshold, and Yeomen of the Guard as upon others of the King's Subjects, thereby to engage their Affections, in order to the carrying on of his ev

vil Designs: Which Cloaths the said Gilbert *bought nd brought the same to the said Duke, who on the 20th of* January, *in the said Seventh Year, and on livers other Days and Years before and after, di- tributed and bestowed the same on some of the King's Subjects to the purpose before mention'd, as inserted n the Indictment.*

Again, that the said Duke, on the 10th *of* July, *n the Tenth Year of his Majesty's Reign, and at livers other Days and Times, as well before as af- r, appointed a greater number of Officers in his astles, Honours, Lordships and Lands than he was ont to do, to the End they might under the Colour f such Offices be assistant to him in accomplishing is evil Purposes. Besides, the said Duke on the* 20th *of* May, *in the Ninth Year of the King's Reign, nt to his Majesty for leave to retain any of the ing's Subjects whom he should think fit, who lived ithin the Counties of* Hereford, Glouceſter *and* omerset, *and that he might at his Liberty convey veral sorts of Arms and Warlike Instruments in-* Wales, *in order to use the same against the ing,* as the Indictment alledged, *in order to fect his impious Designs, which was to destroy the ing and usurp the Government himself.*

Which Leave to have Retainers, and to convey rms and Warlike stores into Wales, *the said* Gil- rt *on the* 20th *of* May, *in the Ninth Year, and divers other Days before and after, both at* Lon- n *and* East-Greenwich, *earnestly sollicited for, d laboured to obtain of the King and Council. hat the Duke on the* 20th *of* July *the same Year, t the said* Gilbert *to* Henton *aforesaid, to go the said Monk,* Nicholas Hopkins, *to see what could learn farther from him. That the Monk t him Word,* There would be an Alteration fore the next *Christmas,* and that the Duke

should have the Rule and Government of the whole Kingdom. *And that farther, the said Duke on the 20th of* February, *in the Eleventh Year of the King's Reign, said at* Blechingly, *in the County of* Surrey, *to the said* Richard Gilbert *his Chancellor, that he expected and waited for a more opportune Season to put his Designs in Execution, and that they might easily be effected if the Nobility of the Land would declare their Minds together, but that some of them were diffident and afraid to discover themselves, which marred all.*

That he said farther to the said Gilbert *at that time, that whatever the King's Father had done was done amiss, and that he found fault with every thing that was transacted in the present Reign. That he said also he knew himself to be so great a Sinner, that he wanted the favour of God, and that whatever he undertook against the King had but ill Success. Again, that the said Duke to alienate the Hearts of the King's Subjects from their Duty and Obedience to his Majesty and his Heirs, being at* London *on the 20th of* April, *in the First Year of the King's Reign, he declared then and there to the said* Robert Gilbert, *that he had a writing under the Great Seal of* England, *containing an Act of Parliament, wherein it was enacted, That the Duke of* Somerset, *one of the King's Ancestors, was made Legitimate, and that the said Duke intended to have delivered the same to King* Henry VI. *but said,* I had rather have given One thousand Pounds, than have done it.

That the same Duke on the 4th of Novembe *in the Eleventh Year of the King's Reign, at* Eat Greenwich *in the County of* Kent, *said to* Charl Knevet, *Esq; That after the King had reprov the Duke for retaining Sir* William Balmer *his Service, if he had found he must have been co*

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mitted to the Tower, *as he doubted he ſhould, he would have manag'd his Buſineſs ſo, as that his Principal Agents therein ſhould have had no great Reaſon to rejoyce; for he would have plaid that Part which his Father intended to put in Practice againſt King* Richard III. *at* Salisbury, *who, if his earneſt Sollicitations had ſo prevailed, that he might have been admitted into the Preſence of that Prince, he would have thruſt in him a Knife he had about him, as he made a Feint of Kneeling before him. And that when he ſpoke theſe Words, he maliciouſly laid his Hand upon his Dagger, ſaying, That if he was ſo ill uſed, he Swore by the Blood of Chriſt, he would do his utmoſt to accompliſh his Deſigns.*

That over and above all this, the ſame Duke on the 12*th of* May, *in the Twelfth Year of the King's Reign, at* London *in a Place called the* Roſe, *within the Pariſh of* St. Laurence Poultney *in* Candwick Street Ward, *asking the ſaid* Charles Knevet, *What the* Londoners *ſaid concerning the King's Voyage beyond Sea? And the other anſwering, That many of them had their Doubts and Fears about it, leaſt the* French *had ſome ill Deſigns againſt him. The Duke reply'd, It was to be feared it would come to paſs according to the Words of a certain Monk;* For there is, *ſaid he,* a *Carthuſian* Monk, who has ſeveral times ſent to me, deſiring I would ſend my Chancellor to him; accordingly I ſent *John de la Court* my Chaplain, but he would tell him nothing till he had Sworn him to Secreſy, in reſpect to every Body living except my ſelf only. That then the ſaid Monk told *de la Court*, that neither the King nor his Heirs ſhould proſper; that I ſhould endeavour to reconcile the Affections of the People to me, for I the ſame Duke and my Blood ſhall proſper and have the Government

of the Kingdom. *Then said* Knevet, *The Monk may be mislead thro' Diabolical Illusions, and that it was wrong to meddle with Things of that kind.* Well, *said the Duke*, It can do me no hurt. And the Indictment insinuated, *That the Duke seem'd to be very well pleased with the Monk's Words. Farther, that the Duke told the said* Charles *at the same time, That if the King had dyed in his last Sickness, he would have chopt off the Head of the Cardinal, Sir* Thomas Lovel, *and others, adding, That he had rather dye for it than be used as he had been.*

Lastly, That on the 10th *of* September, *in the Eleventh Year of this King's Reign, the Duke being at* Blecningly *in the County of* Surrey, *and walking in the Gallery with* George Nevil, *Lord* Abergavenny, *he murmured against the Privy Council and their Administration, saying unto the said Lord, That if the King dyed, he would have the Government of the Realm in spite of all Opposers, adding withal, That if the said Lord* Abergavenny *would discover the Words he had said, he would Fight him and lay his Sword over his Pate.*

How far these particulars of the Indictment were proved and after what manner, say my Lord *Herbert*, the Authors he had met with did not deliver, but he tells us that he has taken out of our Records the following Account of the Duke himself, after his Commitment to the *Tower*, under his own Hand to Sir *Thomas Lovel* then Constable, which is vastly different in almost all the Circumstances of it, from the matters contain'd in the Indictment: *That the Summer before the King made War in* France, Hopkins *sent for him, but not being able to go, he commanded one* de la Court *his Chaplain, to repair thither. Nevertheless the* Hopkins

Hopkins *ſaid naught to him; that yet himſelf ent the next* Lent, *where in Shrift* [Confeſſion] *e ſaid Monk told him, That our King ſhould ob- in great Honour in his Expedition to* France, *d that if the King of* Scots *came to* England *en, he ſhould never go Home again. And that hen he asked* Hopkins *how he knew this, he ſaid* Ex eo habeo: It was revealed to me by God. Hopkins *asking afterwards what Children the King d had, he told the Number, and that* Hopkins *ould ſay thereupon,* I pray God his Iſſue con- nue, for that he fear'd God was not eaſed, becauſe he made no Reſtitution ac- rding to his Father's Will; *charging the Duke rther, to adviſe the King's Council to make Reſti- tion. Farther, that he told his Chancellor thoſe ords, and at his Return out of* France, *came to* Hopkins *again, and ſaid,* He had told him true. *lſo that another time he came to* Hopkins, *toge- er with his Son* Stafford *and the Earl of* Weſt- orland, *and that* Hopkins *asked who he was, d thereupon ſhould ſay,* That ſome of his Blood Name ſhould prove great Men: *And that ter this,* Hopkins *ſhould ſend to the Duke to pray m, according to his Promiſe, to help their Houſe, ing at* Newton *in* Somerſetſhire, *to make their nduit, the Ten Pounds formerly given him being ent.* And more than this he confeſſed not.

The Duke being indicted as above, he was on after arraigned in *Weſtminſter-Hall*, the uke of *Norfolk*, by the King's Letters-Patent, eing conſtituted High Steward of *England* r the Day: The other Perſons who were ppointed to ſit as Peers and Judges upon the id Duke were,

The Duke of *Suffolk*.
The Marquis of *Dorset*.
The Earl of *Devonshire*.
The Earl of *Essex*.
The Earl of *Shrewsbury*.
The Earl of *Kent*.
The Earl of *Oxford*.
The Earl of *Derby*.

The Lord *de la War*.
The Lord *Fitz-waren*
The Lord *Wylloughby*
The Lord *Brook*.
The Lord *Cobham*.
The Lord *Herbert*.
The Lord *Morley*.

The Court being set, and the Noble Prisoner brought to the Bar upon his Arraignment, he pleaded not Guilty: The Indictment being openly read, he said it was *false*, *untrue*, *conspir'd* and *forg'd* to take away his Life: He was a very Eloquent Person, and alledged many Reasons to falsify the Indictment; which if I could have found recorded any where, I should have taken Heed to have them carefully inserted. The Attorney-General on the other Hand, producing the Examinations, Confessions, and Proofs of Witnesses against him, the Duke thereupon desired that the Witnesses, who were *Knevet*, *Gilbert*, *de la Court* and *Hopkins*, might appear: These stood to their Depositions; and were delivered as Prisoners to the Officers of the *Tower*.

Then said the Lord High Steward to the noble Prisoner at the Bar. *My Lord, The King our Sovereign Lord, has commanded that the Laws should be faithfully administred, and all Justice done to you; wherefore if you have any thing more to offer in your own Justification, you shall be heard.* The Duke offering to say nothing, he was commanded to withdraw, and was conducted to a House called *Paradise* near adjoyning, while the Lords deliberated together: Then

resuming

reſuming their Places, the Queſtion was put by the Lord High Steward, Whether the Duke of *Buckingham* was Guilty or not Guilty of the Treaſons laid to his Charge?

The Cuſtom in our Days is to begin with the Suffrage of the youngeſt Peer, and ſo onwards to the eldeſt or firſt in Dignity: But according to *Holingſhed* it ſeems quite contrary in this caſe; for, he ſays, the Duke of *Norfolk* firſt began with the Duke of *Suffolk*, asking him, *What ſay you of* Edward, *Duke of* Buckingham, *concerning the High Treaſons*; the Duke of *Suffolk* anſwer'd, *He is Guilty*; and ſo ſaid the Marquis of *Dorſet*, and all the Earls and Lords. This done, the Duke of *Norfolk*, with Tears in his Eyes, pronounced Sentence of Death upon him in theſe Words: *Sir* Edward, *You have heard how you have been convicted of High Treaſon, to which you have pleaded not Guilty, and put your ſelf upon Tryal by your Peers, who have found you Guilty; you ſhall therefore be convey'd to the King's Priſon, there laid on a Hurdle, and ſo drawn to the Place of Execution, and there be hang'd, cut down alive, your Members cut off and thrown into the Fire, your Bowels burn'd before your Face, your Head cut off, and your Body quartered and diſpoſed of at the King's Pleaſure, and the Lord have Mercy on your Soul,* Amen.

To this the unhappy Duke reply'd, *My Lord of* Norfolk, *you have ſaid as a Traytor ſhould be ſpoke to, but I never was one; but, my Lords, I do not reproach you for what you have done; may the Eternal God forgive you my Death, and I do: I'll never ſue to the King for my Life, tho' he is a gracious Prince, and may ſhew more Mercy than I deſire. I deſire you my Lords and all my fellow Subjects to pray for me.*

Then

Then the Edge of the Ax was turn'd towards the Duke, who was conducted into the Barge, in order to be carry'd to the *Tower*; Sir *Thomas Lovel* desired him to set on the Cushion and Carpet provided for him, but he said, *No, for when I went to* Westminster *I was Duke of* Buckingham, *but I am now* Edward Bohun *only, the most caitiff of the World*: For it seems he affected that Sirname before that of *Stafford*, he being descended from the *Bohuns*, Earls of *Hereford*. They landed him at the *Temple*, where he was received by Sir *Nicholas Vawsor* and Sir *William Sands* Banerets, and convey'd thro' the City, lamented by most of the People, while others cry'd out, *This is the End of a bad Life, God forgive him, he was a proud Prince; 'tis pity he behaved himself so undutifully towards the King his Leige Lord, whom God preserve.*

While he continued in the *Tower*, all the favour that was shewn him, was, a Message from the King, declaring that his Sentence was mitigated so far, that instead of receiving the Death of a Traytor, his Head should be cut off. Accordingly on *Friday* the 17th of *May*, *Edward*, Duke of *Buckingham*, Earl of *Hereford*, *Stafford* and *Northampton*, was delivered into the Hands of *John Keims* and *John Skevington*, Sheriffs of *London*, who conducted him to a Scaffold prepared for that purpose on *Tower-Hill*, where he said he had offended the King thro' the Glert and Want of Grace, and desir'd all the Noblemen to take warning by his Fall, and all Men to pray for him, and he assured them he dyed the King's true Subject.

Thus

Thus meekly ſubmitting to the Block, the Executioner ſtruck off his Head, which together with his Body being delivered to the *Auguſtin* Fryars, they took care to give him a decent Burial.

My Lord *Herbert* ſays, that the Duke was thought rather Criminal thro' folly and raſh Expreſſions, than any Intention declared by Overt-act againſt the King's Perſon, and therefore not uncapable of his Mercy; which alſo 'tis thought would not have been deny'd him, had he ſued for it in a proper manner: But ſince at his Arraignment he did, as it were, diſclaim his Life, he would not obtrude, and therefore cauſed only a Conſolatory Letter to be writ to his Dutcheſs and the Lord *Stafford* his Son.

Never was ſuch a Complication of remote Treaſons ſet together, and there is ſuch a Punctuality as to the Places, Years and Days, as if the Deſign to ruine the Duke had been form'd from the very beginning of the King's Reign, and the Date of the Cardinal's Grandeur. Happy we who live in ſuch Days, wherein nothing of all this would ſignify a Straw againſt the meaneſt Subject in the Land; and ſuppoſing that the laſt Article, ſave three in the Indictment, was true, and that the Duke's drawing his Dagger was ſomewhat of an Overt-act, ſhould it not in Reaſon have been diſcover'd ſooner? For the Words were pretended to be ſpoken in *November*, the Eleventh Year of the King's Reign, and the Duke was not taken up till the Month of *April*, in the Thirteenth of *Henry* the VIII. which with us now ſhould have no manner of Weight in it.

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The Duke's Indiscretion, and the Cardinal's Malice were the real Sources of the brave Man's Misfortunes. And as the former was lamented by the People, the other was libell'd by them, whom they called *Carnificis Filius*, the Son of a Butcher, (as indeed he was) to which I may add in this Place, that the Duke's hard Fate was not only lamented at Home, but also Abroad, and when the Emperor was told of it, he said, *A Butcher's Dog has worry'd to Death the finest Buck in* England. He was the last Hereditary Lord High Constable of *England*, being descended from *Thomas* of *Woodstock*, Duke of *Glouceſter*, Sixth Son to King *Edward* III. and was so remote in Blood from the Crown, that it is a wonder he should, or any Body imagine he would, pretend to it.

The Tryal of Queen Anne Boleyn, *second Wife to King* Henry VIII.

KING *Henry* VIII. having obtain'd a Divorce from his first Wife Queen *Catherine* of *Spain*, marry'd the Lady *Anne Boleyn*, Daughter of Sir *Thomas Boleyn*, whom he made Earl of *Wiltshire*, after he had first created her Countess of *Pembroke*. The Marriage was Celebrated on the 14th of *November*, 1532. She first bore him a Daughter, named *Elizabeth*, who in process of Time became Queen of *England*, and in *January* 1535. brought him a Son still born. This was thought to have made ill Impressions upon the King; and that as he concluded from the Death of his Son by his former Queen, that the Marriage was displeasing to God, so he might upon this Misfortune begin to make the like Judgment of this Marriage.

Its very certain, the Popish Party were earnestly bent against the Queen, they looking upon her as the great Supporter of Heresy; and more particularly the Duke of *Norfolk* at Court, and *Gardiner*, Ambassador in *France*, thought a way might easily be found out to reconcile the King with the Emperor and the Pope, if the Queen was once got out of the way; for then he might freely marry whom he pleased, and that Marriage with the Male Issue from it could not be disputed; whereas as long as the Queen lived, her Marrage, as being judged null from the beginning, could never be allowed by the Court of *Rome*,

Rome, or any of that Party. With these Reasons of State, others of Affection concured.

The Queen had been his Wife three Years, but at this time he entertained a secret Affection for the Lady *Jane Seymour*, who had all the Charms both of Beauty and Youth in her Person, and her Humour was tempered between the severe Gravity of Queen *Catherine*, and the Pleasant Gaiety of Queen *Anne*. The Queen perceiving the Alienation of the King's Heart from her, used all her Arts to recover it, tho' without success. The King saw her no longer with those Eyes, she had formerly Captivated; but on the contrary, grew Jealous and ascribed those Caresses to some other Criminal Affection, of which he began to suspect her.

The Queen was naturally of a very chearful Temper, which was not always confin'd within the Bounds of exact Decency and Discretion: She had rally'd some of the King's Servants more than became her. The Lord *Rochford*, her Brother, was her Friend as well as her Brother. But his spightful Wife was Jealous of him, and being a Woman of an ill Life, as you will hear by and by, she carry'd many Stories to the King, or some that were about him, in order to perswade him, that there was an unlawful Familiarity between the Queen and her Brother, beyond what so near a Relation could justify. All that could be said for it was only this, That he was once seen leaning upon her Bed, which bred great Suspicion. *Henry Norris*, who was Groom of the Stole, *Weston* and *Brereton*, that were Gentlemen of the King's Privy Chamber, and one *Mark Smeton*, a Physician, were all observed

to

to have a great ſhare of her Favour; and their Zeal in ſerving her was thought too warm and diligent to flow from a leſs active Principle than Love. Many Circumſtances were related to the King, which working upon his Averſion to the Queen, together with his Affection to Mrs. *Seymour*, made him conclude her Guilty. It was thought that ſomewhat he himſelf had obſerv'd or fancy'd at a Tilting at *Greenwich*, gave the Criſis of her Ruine. Its ſaid, that he ſpy'd her let her Handkerchief fall to one of her Gallants to wipe his Face, being hot after a Courſe; whether ſhe dropt it careleſly or deſignedly, or whether there is any truth in the Story, none of the ſeveral Letters which were writ by thoſe about her concerning her Fall, and which are ſtill extant in Manuſcript, make any manner of Mention of it. *Spelman*, who was a Judge at that time, and wrote an Account of it with his own Hand in his common Place Book, takes no notice of this particular, but gives a very different Account of the Diſcovery in theſe Words: *As for the Evidence of this matter, it was diſcover'd by the Lady* Wingfield, *who had been a Servant to the Queen, and becoming on a ſudden infirm ſome time before her Death, did Swear this matter to one of her* ——— Here unluckily, ſays my Author, the reſt of the Page is torn off; by this, it ſeems, there was no legal Evidence againſt the Queen; it being only a ſecond hand witneſs, who heard the Lady *Wingfield* Swear. There is no Account can be given who this Lady *Wingfield* was; nor in what Frame of Mind ſhe might be in, when ſhe Swore it: To lay a thing upon a dead Perſon's Name, where there is no Fear

of

of Discovery in this World, is the securest sort of Forgery, for those whose Consciences can digest it.

When it came to be known that the Queen had lost the King's Affections, many out of Zeal to Popery, or design to make their Fortune, might easily be induced to form and carry a Story of this Nature. And this it seems was that which was brought to the King at *Greenwich*, who thereupon immediately return'd to *White-Hall*. The Queen was presently confin'd to her Chamber, and the other Five Persons above-mention'd were seiz'd; but none of them would confess any thing but *Mark Smeton, as to any actual thing*, according to *Cromwell*'s Letters in the *Cotinian* Libary; upon this they were convey'd to the *Tower*.

The poor Queen was in a most deplorable Condition, being not only thus unhappily fallen under the King's Displeasure, but also defam'd and in great Danger of being destroy'd at once. She smiled and seem'd chearful at first, saying, she believed the King did this only to try her: But when she found he was in earnest, she desir'd to have the Sacrament in her Closet, shew'd great Devotion, and seem'd to be prepar'd for Death. The Surprise and Confusion brought Fits of the Mother upon her, which her Attendants did not seem to understand; but three or four Letters writ about her to Court, imported that she was some times very Devout and cry'd much, and then on a sudden would burst out into a Laughter, which were evident Signs of the Vapours. When she heard that those who were accused with her were sent

to the *Tower*, ſhe then concluded ſhe was undone, and ſaid ſhe ſhould be ſent thither herſelf next, and talk'd idly, ſaying, *If her Biſhops were about the King, they would ſpeak in her Behalf.* She alſo ſaid, *That ſhe would be a Saint in Heaven; for ſhe had done many good Deeds, and that there ſhould be no Rain, but heavy Judgment on the Nation, for what they were now doing to her.*

Her Enemies had gone too far to look back, and therefore ſhe was the next Day ſent to the *Tower* by Water; and ſome Lords that met her on the River, declared to her what her Crimes were. Theſe were Sir *Thomas Audley*, Lord Chancellor, *Thomas*, Duke of *Norfolk*, and Secretary *Cromwell*. She made deep Proteſtations of her Innocence to them, and begg'd leave but to ſee the King, which would not be granted her. When ſhe was brought within the *Tower*, ſhe fell down upon her Knees, and pray'd God to help her, as he was not guilty of the thing for which ſhe was accuſed. The ſame Day the King wrote to Archbiſhop *Cranmer*, her Friend, to come to *Lambeth*; but order'd him alſo not to appear at Court, which was procur'd by the Queen's Enemies, who took Care that no body, who had any Intereſt with the King, ſhould approach his Perſon, till they had fully and effectually poſſeſs'd him of her Guilt. Her Unkle's Lady, the Lady *Boleyn*, was appointed to lye with her in her Chamber, with whom, I know not for what Reaſon, ſhe was ill Terms, and therefore took it very heinouſly: So that ſhe, who but a little before was wont to lye in the Boſom and deepeſt affections of her Prince, was now bedded with

a Serpent, who endeavoured to suck out her Entrals, by engaging her in Discourse, and studying to draw Confessions from her. Whatever she said, it was presently convey'd to Court, and a Woman so full of Vapours was likely to tell every thing that was true, with a great deal more; for Persons in that Condition, not only have no Command of themselves, but are also apt to say any thing that comes into their Heads.

The Duke of *Norfolk* and some others of the Privy Council, went and examin'd her in the *Tower*; but were able to get nothing out of her, tho' they made her believe that *Norris* and *Mark* had accused her. Now it was, that she wrote the following Letter to the King; at which time her Spirits must be certainly much exalted, it being a Pitch above her ordinary Style, whatever Weaknesses she afterwards betray'd. It was found amongst *Cromwell*'s Papers, and therefore 'tis concluded to be genuine.

YOUR Grace's Displeasure and my Imprisonment, are things so strange unto me, as what to write, or what to excuse, I am altogether Ignorant: Whereas you send unto me (willing me to confess a Truth, and to obtain your Favour) by such an one, whom you know to be mine ancient professed Enemy; I no sooner received this Message by him, than I rightly conceived your meaning; and if, as you say, confessing a Truth indeed may procure my safety, I shall with all Willingness and Duty perform your Command.

But let not your Grace ever imagine, that your poor Wife will ever be brought to acknowledge a Fault, where not so much as a Thought thereof pre-

ceded.

ceded: And to ſpeak the Truth, never Prince had a Wife more Loyal in all Duty, and in all true Affection, than you have ever found in Anne Boleyn, *with which Name and Place I could willingly have contented my ſelf, if God and your Grace's Pleaſure had been ſo pleaſed. Neither did I at any time ſo far forget my ſelf in my Exaltation, or received Queenſhip, but that I always look'd for ſuch an Alteration as now I find. For the Ground of my Preferment being on no ſurer Foundation than your Grace's Fancy, the leaſt Alteration I knew was fit and ſufficient to draw that Fancy to ſome other Subject. You have choſen me from a low Eſtate, to be your Queen and Companion, far beyond my Deſert or Deſire: If then you found me worthy of paſt Honour, Good your Grace, let not any light Favour, or bad Counſel of mine Enemies withdraw your Princely Favour from me; neither let that Stain, that unworthy Stain of a diſloyal Heart, towards your good Grace, ever caſt ſo foul a Blot on your moſt dutiful Wife, and the Infant Princeſs your Daughter: Try me, good King, but let me have a lawful Tryal, and let not my Sworn Enemies ſit as my Accuſers and Judges: Yea, let me receive an open Tryal, for my Truth ſhall fear no open Shame: Then ſhall you ſee either mine Innocency clear'd, your Suſpicion and Conſcience ſatisfy'd, the Ignominy and Slander of the World ſtopt, or my Guilt openly declared; ſo that whatſoever God or you may determine of me, your Grace may be freed from an open Cenſure; and mine Offence being ſo lawfully proved, your Grace is at Liberty, both before God and Man, not only to execute moſt worthy Puniſhment on me, as an unlawful Wife, but to follow your Affection already ſettled, on that Party, for whoſe ſake I am now as I am; whoſe Name I could ſome good while ſince have*

pointed unto, your Grace being not Ignorant of my Suspicion therein.

But if you have already determined of me, and that not only my Death but an injurious Slander, must bring you the Enjoyning of your desired Happiness, then I desire of God, that he will pardon your great Sin therein, and likewise mine Enemies, the Instruments thereof; and that he will not call upon you to a strict Account for your unprincely and cruel Usage of me, at his general Judgment Seat, where both you and my self must shortly appear, and in whose Judgment, I doubt not, (whatsoever the World may think of me) my Innocence shall be openly known, and sufficiently cleared.

My last and only Request shall be, that my self may only bear the Burden of your Grace's Displeasure, and that it may not touch the Innocent Souls of those poor Gentlemen, who, as I understand, are likewise in streight Imprisonment for my sake. If ever I have found Favour in your Sight; if ever the Name of Anne Boleyn *hath been pleasing in your Ears, then let me obtain this Request, and I will forbear to trouble your Grace any further; with mine earnest Prayers to the Trinity to have your Grace in his good Keeping, and to direct you in all your Actions. I remain*

From my doleful Prison in the *Tower* this 6th of *May*.

Your most Loyal and Ever faithful Wife,

ANNE BOLEYN.

Some time after the Lords were gone, she fell down upon her Knees and wept, praying often *Jesu have Mercy on me*, and then fell a laughing. When that Fit was over, she desired

desired to have the Sacrament still by her, that she might cry for Mercy; and she said to the Lieutenant of the *Tower*, that she was as clear as to the Company of all Men as to Sin, as she was from him, and that she was the King's true Wedded Wife. She cry'd out, *O* Norris, *hast thou accused me? Thou art in the* Tower *with me, and thou and I shall dye together*; *and*, Mark, *so shalt thou too.*

Then she express'd her Apprehensions that she was to be put into a Dungeon, and dreadfully lamented her own and her Mother's Misfortune; asking, *Whether she must dye without Justice:* But being answer'd, the poorest Subject had Justice, much more would she. The same Account says, that *Norris* had not accused her, and that he told her Almoner, *He could Swear for her she was a good Woman*: But she being made to believe that he had accused her, and not being then so free in her Thoughts, as to consider that ordinary Artifice of drawing out Confessions, told all she knew both of him and *Mark*; which, tho' it was not sufficient Matter to ruine him, yet it made deep Impressions on the King's Jealous and alienated Mind. She told them, *That she once ask'd* Norris, *Why he did not proceed in his Marriage?* Who answer'd, *That he would tarry a little longer*: To which she reply'd, *You wait for dead Men's Shoes: If the King should happen to dye, you would expect to have me.* He answer'd, *He wished his Head cut off, if he had entertain'd any such Thought:* Upon which she said, *She could undo him if she pleased, and thereupon fell out with him* —— As for *Mark*, who was then in Irons, she said, *He was never in her Chamber but when the King was last at* Win-

chester, *and then he came into play on the Vergi-nals: That she never spoke to him after that, but on the* Saturday *before* May-Day, *when she saw him standing at the Window, and then she asked him, Why he was so Melancholly:* To which he reply'd, *It was no Matter*: Then she rejoyn'd, *You do not expect I should speak to so mean a Person as you are, as if you were a Man of Quality. No, Madam,* said he, *A Look is enough.* She seem'd more apprehensive of *Weston* than any body; for on the *Whitson Monday* last he said to her; *That* Norris *came more into her Chamber upon her own Account than any body else there. She had observed, that he loved a Kins-woman of hers, and charg'd him with it, and for not loving his Wife*; but he answer'd her, *That there were Women in the House, whom he lov'd better than them both:* She ask'd, *Who that was? Your self,* said he; upon which she said, *She defy'd him.*

The Queen's Misfortunes drew after them the common Effects that attend Persons in Disgrace: The whole Court was now set against her; but Archbishop *Cranmer* had not learn'd the servile Arts of Baseness and Ingratitude: He had been much oblig'd to her, and had conceived so great an Opinion of her Virtue and Goodness, that he could not easily receive any ill Impressions of her. He was well acquainted with the King's rough Temper, and that a down right Justification, would but the more provoke him; and therefore on the 3d of *May*, he wrote a Letter to the King, with all the Softness that so nice and tender a Point required; where he justify'd her as far as was consistent with Charity and Prudence. The Letter shews of what Constitu-

tion

tion he was that wrote it; and it contains so many things that highly redound to her Honour, that I think it proper to be inſerted in this Place, as taken from the Original.

PLeaſeth your moſt noble Grace, to be advertiſed, that at your Grace's Commandment by Mr. Secretary his Letter, written in your Grace's Name, I came to Lambeth *yeſterday and do there remain, to know your Grace's farther Pleaſure; And for as much as without your Grace's Commandment, I dare not, contrary to the Contents of the ſaid Letter, preſume to come into your Grace's Preſence; nevertheleſs of my moſt bounden Duty, I do no leſs than moſt humbly deſire your Grace, by your great Wiſdom and by the Aſſiſtance of God's help, ſomewhat to ſuppreſs the deep Sorrows of your Grace's Heart, and to take all Adverſities at God's Hands, both patiently and thankfully: I cannot deny but that your Grace hath great Cauſes many ways of lamentable Heavineſs, and alſo that in the wrongful Eſtimation of the World, your Grace's Honour of every part is highly touched (whether the things that commonly be ſpoken of, be true or not) that I remember not that ever Almighty God ſent unto your Grace any like Occaſion to try your Grace's Conſtancy throughout, whether your Highneſs can be content to take of God's Hand, as well things Diſpleaſant as Pleaſant. And if he find in your moſt Noble Heart ſuch an Obedience unto his Will, that your Grace without Murmuration and over much Heavineſs, do accept all Adverſities, not leſs thanking him; than when all things ſucceed after your Grace's Will and Pleaſure, nor leſs propoſing his Glory and Honour; then I ſuppoſe your Grace did never thing more acceptable unto him, ſince your firſt Governance of this your Realm: And moreover,*

your Grace shall give unto him occasion to multiply and increase his Graces and Benefits unto your Highness, as he did unto his most faithful Servant Job, unto whom after his great Calamities and Heaviness, for his Obedient Heart and willing Acceptation of God's Scourge and Rod, addidit ei Dominus cuncta Duplicia. And if it be true, that is openly reported of the Queen's Grace, if Men had a right Estimation of Things, they should not esteem any part of your Grace's Honour to be touched thereby, but her Honour only to be clearly disparaged. And I am in such a Perplexity, that my Mind is clean amazed: For I never had better Opinion in Woman, than I had in her, which maketh me think, that she should not be culpable. Now I think that your Grace best knoweth, that next unto your Grace, I was bound unto her of all Creatures living: Wherefore I most humbly beseech your Grace, to suffer me in that, which both God's Law, Nature, and also her Kindness, bindeth me unto; that is, that I may with your Grace's Favour wish and pray for her: And from what Condition your Grace, of your only meer Goodness, took her, and set the Crown upon her Head, I repute him not your Graces's faithful Servant and Subject, nor true unto the Realm, that would not desire the Offence without Mercy to be punish'd, to the Example of all others. And as I loved her not a little, for the love that I judged her to bear towards God and his Gospel; so if she be proved culpable, there is not one that loveth God and his Gospel, that ever will Favour her, but must hate her above all other, and the more they favour the Gospel, the more they will hate her. For then there never was Creature in our Time that so much slandered the Gospel: And God hath sent her this Punishment, for that she feignedly hath professed the Gospel in her Mouth, and not in Heart and Deed.

And

And tho' she have offended so, that she hath deserv'd never to be reconcil'd to your Grace's Favour, yet God Almighty hath manifoldly declar'd his Goodness towards your Grace, and never offended you: But your Grace, I am sure, knowledgeth you have offended him; wherefore I trust that your Grace will bear no less entire Favour unto the Truth of the Gospel, than you did before: For so much as your Grace did Favour to the Gospel was not lead by Affection unto her, but by Zeal unto the Truth. And thus I beseech Almighty God, whose Gospel he hath ordain'd your Grace to be Defender of, ever to preserve your Grace from all Evil, and give you at the End the promise of his Gospel. From *Lambeth* the 3d Day of *May.*

After I had written this Letter unto your Grace, my Lord Chancellor, my Lord of Oxford, *my Lord of* Sussex, *and my Lord Chamberlain of your Grace's House, sent for me to come into the Star Chamber, and there declared unto me such Things as your Grace's Pleasure was they should make me privy unto, for which I am most bounden unto your Grace; and what Communication we had together, I doubt not but they will make the true Report thereof unto your Grace. I am exceedingly sorry, that such Faults can be prov'd on the Queen, as I have heard of their Relation; but I am, and ever shall be, your faithful Subject.*

Your Grace's most Humble

Subject and Chaplain,

T. Cantuarien sis.

But Jealously, and the fresh object of the King's Affections, utterly defaced all the remains of the King's Esteem for Queen *Anne*; and the Ministers continued to carry on their Intreigues in order to get further Evidence for the Tryal, which was not brought on till the 12th of *May*; on which *Norris*, *Weston*, *Brereton* and *Smeton*, were try'd by a Commission of *Oyer* and *Terminer* in *Westminster-Hall*. They had been twice indicted, and the Indictments found by two Grand-Juries in the Counties of *Kent* and *Middlesex*; the Crimes laid to their Charge being said to be done in both these Counties: *Mark Smeton* confessed, he had known the Queen Carnally thrice; the other three pleaded not Guilty; but they were all convicted upon the Evidence before-mention'd, and Judgment given that they should be drawn to the Place of Execution, and some of them to be hang'd and others beheaded. The first three had the Favour of being beheaded, but *Smeton* was hang'd. It was generally said he had been bribed to make that Confession, and that his Life had been promised him, but that he was not fit to live to tell Tales. *Norris* had had a great share in the King's Favour, and an Offer was made him of his Life, if he would accuse the Queen and confess his Guilt; but he generously rejected so base a Proposal, and said, *That in his Conscience he believed her Innocent in respect to the Crimes laid to her Charge; but whether she was or not, he would not accuse her of any thing, and he would dye a thousand Deaths rather than concur in the Ruine of an innocent Person.* Upon which report King *Henry* cry'd, *Cut off his Head, cut off his Head.*

From

rom this Mr. *Norris* deſcended a Race of eroes of wonderous Fame in the Reign of ueen *Elizabeth*; but I muſt not digreſs.

On the 15th Sir *William Kingſton*, Lieutenant of the *Tower*, brought forth the Queen nd her Brother, the Lord *Rochford*, to be try'd y their Peers. There was a Scaffold erected or this purpoſe in the King's Hall within the *Tower*. There were 28 Peers, ſays divers of ur Hiſtorians, appointed to try them, beſides he Lord High Steward of *England* for the Day, who was the Judge, and this was

Thomas, Duke of *Norfolk*.

Some of the reſt were

Charles, Duke of *Suffolk*,
Henry, Marquis of *Exeter*.
Thomas, Earl of *Weſtmorland*.
John, Earl of *Arundel*.

Its exceeding ſingular, ſay they, that the Earl of *Wiltſhire* ſhould be of the Number of theſe Peers upon the occaſion of the Tryal of his own Son and Daughter; whether this unnatural Compliance was impoſed upon him by the imperious King, or he officiouſly ſubmitted to it himſelf, with a view to preſerve himſelf from the Ruine which he ſaw coming on his Family, is uncertain. But they are all miſtaken, for the Earl of *Wiltſhire* was not one of the Judges, which conſiſted only of 26, and the Names of them are thus Recorded:

Duke

Duke of *Norfolk*, Lord High Steward.

Duke of *Suffolk.*	Lord *Montague.*
Marquis of *Exeter.*	Lord *Morley.*
Earl of *Arundel.*	Lord *Dacres.*
Earl of *Oxford.*	Lord *Cobham.*
Earl of *Northumberland.*	Lord *Maltravers.*
	Lord *Powis.*
Earl of *Westmorland.*	Lord *Mounteagle.*
Earl of *Derby.*	Lord *Clipton,*
Earl of *Worcester.*	Lord *Sands.*
Earl of *Rutland.*	Lord *Windsor.*
Earl of *Sussex.*	Lord *Wentworth.*
Earl of *Huntington.*	Lord *Burgh.*
Lord *Audley.*	Lord *Mordant.*
Lord *de la War.*	

The Record mentions one thing which is very particular concerning the Earl of *Northumberland*; that he was taken with a sudden Fit of Illness, and was forced to leave the Court before the Lord *Rochford* was tryed: This might very well have been casual; but since he had been once in Love with the Queen, and design'd to marry her, it's no wonder if so sad a Change in her Condition should cause an unusual disorder in him.

Before these noble Lords the Queen by an unheard of President, was indicted of High Treason: The Crimes laid to her Charge were:

That she had procur'd her Brother and the other four to Lye with her, which they had often done.

That she had said to them that the King never had her Heart.

That

That ſhe had ſaid to every one of them by themſelves, that ſhe lov'd them better than any Perſon whatſoever.

That the whole tended to the ſluring of the Iſſue got between the King and her.

It was ſet forth that this was Treaſon, according to the Statute made in the 26th of the King's Reign; ſo that what was enacted in favour of her and her Iſſue by her Marriage with the King, was now unhappily made uſe of to deſtroy her. It was alſo added in the Indictment, that ſhe and her Accomplices, *did conſpired the King's Death.* But this, it ſeems, was only put in to ſwell the Charge; for if there had been any tollerable Evidence for that there was no neceſſity of ſtraining the other Act. If they could have proved violating of the Queen, the known Statute of the 26th of the Reign of *Edward* III. had been ſufficient.

When the Indictment was read, ſhe held up her Hand and pleaded *Not Guilty*, and her Brother did the ſame. The Court did her the Favour to provide a Chair for her to ſit upon, but whether ſhe made uſe of it or not, does not appear. I have not been able with all my Inquiry, to meet with the particulars of her Tryal, what Queſtions were put to her, and how ſhe anſwered, with other Circumſtances which muſt accompany ſo ſignal an Event; only in general that ſhe anſwered all the Evidence brought againſt her very diſcreetly, and ſeem'd fully to clear herſelf from every thing laid to her Charge. One thing is exceeding remarkable, and lays a ſtrand Slur upon the Proceedings of the Court, which in our Days of Liberty would not be borne

borne with, and that is, that *Mark Smeton*, wh was the only Person that confess'd any thing was never confronted with the Queen, no reserved to be an Evidence against her; fo he had been condemned three Days before and so could not be a Witness in Law.

But perhaps her Enemies were so diffiden in the matter, that tho' they had by one Ar tifice or other, worked up the Wretch to Pitch of false Confession; yet they did no think he would have Front enough to aver th same to the Queen's Face. The main Evi dence they brought, according to *Spelman's* Ac count, was the Oath of a dead Woman; ye this, or rather the base Apprehensions the had of offending the haughty King, wrough upon their Lordships so far, as to find he and her Brother Guilty; and thereupon Judg ment was pronounced. that she should b Burnt or Beheaded at the King's Pleasure.

Here the learned Judge already mention' observes, that whereas Burning is the Deat appointed by Law for a Woman to undergo that is attainted of Treason, yet since she ha been Queen of *England*, they left it to th King to determine, whether she should dy so infamous a Death or be Beheaded; but th Judges complained of this way of Proceed ing, saying, that such a disjunctive Course i a Judgment for Treason, had never bee known before.

This was not enough to satisfy the enrage King; the Marriage between them must b annull'd, and the Issue made Illegitimate. H called to mind an Intreigue that had been be tween her and the Earl of *Northumberland* then Lord *Percy* only, about a Marriage. Th

Busines

Buſineſs in ſhort was thus: The Earl of *Northumberland* by a ſtrange Compliance with Cardinal *Woolſey*'s vain Humour, made his eldeſt Son one of his Servants; during which the Cardinal coming to underſtand that the Young Lord made his Addreſſes to *Anne Bolayn*, he one Day called for him before his other Servants, of which Mr. *Cavendiſh*, who gives this Account, and was there preſent, was one, and chid him for it; pretending at firſt it was below him to match ſo meanly: But the Lord *Percy* juſtifying his Choice, and inſiſting that ſhe was not inferior in Birth and Quality to himſelf, the Cardinal peremptorily requir'd him to demit his Pretenſions. He anſwer'd, *He would readily ſubmit to the King and him; but that he had proceeded ſo far before many Witneſſes, that he could not recede from it, nor tell how he could quiet his Conſcience about it.* Upon that the Cardinal ſaid in a great Rage, *Why, doeſt thou think that the King and I do not know what to do in ſo weighty an Affair? Yes, I'll warrant you, but I can ſee no Submiſſion in thee at all to the purpoſe*; and ſaid, *you have match'd your ſelf with ſuch a Perſon, to which neither the King nor your Father will yeild their Conſent, and therefore I'll ſend for thy Father, who, when he comes, will make thee either break off this unadviſed Agreement or diſinherit thee for ever.*

Its very probable that the King having fixed his Affections on the Lady at that very time, to which the Cardinal was Privy, that this was a Contrivance on purpoſe to beat the Lord *Percy* off of it. Wicked Men will make the ſame thing ſerve for quite different purpoſes. This pretended Contract is now trumped up by the King and his Miniſters, as a means

means to get rid of her to make way for a new Object to fill her Room. Its indeed not unlikely, but that there might have been some Promises made by the Lord *Percy*, to marry her *per verba de futuro*, which though it was no Precontract in it self, yet it seems the poor Queen was either so Ignorant, or so ill advised, as to be perswaded afterwards it was one; tho' it is certain that nothing but a Contract *per verba de præsenti*, could be of any validity in order to annul the subsequent Marriage.

Now the King and his Council reflecting upon the 'foregoing Account, resolv'd to try what they could make of it, and therefore they prest the Earl of *Northumberland* to confess a Contract between them: But the noble Earl, like himself, was staunch and honest; he took his Oath before the two Archbishops, that there had never been any Contract nor Promise of Marriage between them; and he received the Sacrament upon it before the Duke of *Norfolk*, and others of the Privy Council, wishing it might be his Damnation if there was any thing in it, concerning which the Original Declaration under his own Hand is still extant. So that 'tis very probable that what he had said to the Cardinal concerning Witnesses, and his Conscience in the Case, was the effect of the Violence of his Passion for her, and proceeded more from the Apprehensions he was under of being deprived of her than a just Regard to Truth.

Its very plain, they could not extract any Confession from the Queen before the Sentence pass'd upon her; for 'tis not to be doubted, but if they could have done that, the Bu-

sines

ſineſs of the Divorce had preceded the Tryal, and then ſhe muſt have been only try'd by the Title of Marchioneſs of *Pembroke*. But now, that ſhe lay under ſo terrible a Sentence, it is moſt probable that they entertain'd her with ſome hopes of Life, or at leaſt wrought on her with Aſſurances of a Mitigation of the moſt cruel Part of the Sentence which was *Burning*, into the milder part of *Decollation*: So that ſhe was brought to confeſs a Pre-contract, and on the 17th of *May* was conducted to *Lambeth*; and in Court there, the poor Archbiſhop ſitting as Judge, and in the Preſence of ſome Perſons of Quality, ſhe confeſs'd ſome juſt and lawful Impediments, by which it was evident her Marriage with the King was invalid; upon which Confeſſion her Marriage was adjudged to be null and of none Effect. The Record of the Sentence is burnt; but theſe Particulars are recited in the Act, which paſſed the next Parliament, concerning the Succeſſion of the Crown. It looks as if this had been done privately, ſeeing *Spelman* writes thus: *It was ſaid there was a Divorce made between the King and her, upon her confeſſing a Pre-contract with another before her Marriage with the King.* So that it was then only ſurmized, but not generally known.

Here give me leave to cite a ſhort, but juſt Remark made by a learned Pen, concerning the two Sentences paſs'd upon her, the one of Attainder, and the other of Divorce upon the Account of a Pre-contract: *They did ſo contridict one another, that it was apparent one, if not both of them, muſt be unjuſt, for if the Marriage between the King and her was null from the begin-*

ning, then if she was not the King's wedded Wife, there could be no Adultery. And her Marriage to the King was either a true Marriage or not; if it was true, then the annulling of it was unjust, and if it was no true Marriage, the Attainder was unjust; for there could be no Breach of that Faith which was never given. So that it is plain, the King was resolv'd to be rid of her, and to make her Daughter Illegitimate, and in that Transport of his Fury did not consider the very method he took, discover'd the Injustice of his Proceedings against her.

The Execution of the unhappy Queen being order'd two Days after this, and that on the Green upon *Tower-Hill*; the following Circumstances will best shew how she receiv'd the fatal News, and how firm she continued in the Protestation of her Innocence: Upon a strict recollection of her past Life, she called to Mind the Day before she suffered, that she acted the Part of too severe a Mother-in-Law to the Lady *Mary*, and had done her many Injuries; upon which she made the Lieutenant of the *Tower*'s Lady sit down in a Chair of State, after she had made divers Excuses for it, and then falling down upon her Knees, with many Tears, charged her, as she would answer the same to the Great God, to go in her Name, and do as she had done, to the Lady *Mary*, and to ask her Pardon for all the Injuries she had done her. She added, she had no Peace of Conscience till she had done that, but thought she did what became a Christian in this respect.

This Ingenuity and Tenderness of Conscience in minuter things is a violent Presumption, that

that if she had been conscious of greater Miscarriages, she had not persisted in the denial of them to her last Breath, and make Protestations of her Innocence. For that same Night she sent her last Message to the King and acknowledged her self so much oblig'd to him, that he continued still to advance her: She said, she had from a private Gentlewoman been first made a Marchioness, and then a Queen, and now since he could promote her no higher upon Earth, he was sending her to be made a Saint in Heaven. She protested her Innocence, and recommended her Daughter to his Care.

As for her Carriage on the Day of her Execution, it will partly appear from the following Letter, writ by the Lieutenant of the *Tower*, in his own Phrase on that doleful Occasion.

SIR,

THESE should be to advertise you, I have received your Letter, wherein you would have Strangers convey'd out of the Tower, *and so they be by the means of* Richard Gresham, *and* William Cooke *and* Wytspol; *but the Number of Strangers pass not Thirty, and not many of those arm'd, and the Ambassador of the Emperor had a Servant there, and honestly put out. Sir, If we have not an Hour certain, as it may be known in* London, *I think here will be but few, and I think a reasonable Number were best, for I suppose she will declare herself to be a good Woman for all Men but for the King, at the Hour of her Death. For this*

Morning she sent for me, that I might be with her at such a time as she received the Good Lord, to the Intent I should hear her speak as touching her Innocence to be always clear. And in the Writing of this she sent for me, and at my coming, she said, Mr. Kingston, *I hear say I shall not dye before Noon, and I am very sorry therefore, for I ought to be dead by this time, and past my Pain. I told her it would be no Pain, it was so little; and then she said, I heard say the Executioner was very good, and I have a little Neck, and put her Hands about it, laughing heartily. I have seen many Men and Women executed; and that they have been in great Sorrow, and to my knowledge this Lady hath much Joy and Pleasure in Death. Sir, Her Almoner is continually with her, and had been since two a Clock after Midnight This is the effect of any thing that is here at this time, and thus fare you well.*

Yours

William Kingston.

The poor Queen was brought to the Scaffold erected on *Tower-Hill*, on the 19th of *May*, a little before Noon; where she made a short Speech to this effect to a great number of People, whose Curiosity lead them thither to view the last Scene of this sad Tragedy.

Good Christian People, I am come hither to dye; for according to the Law, and by the Law, I am adjudged to dye, and therefore I will speak nothing against it. I am come hither to accuse no Man; nor

to

to speak any thing of that whereof I am accused and condemned to dye; but I pray God save the King, and send him long to Reign over you; for a gentler, nor a more merciful Prince was there never, and to me he was ever a good, a gentle and a Sovereign Lord. And if any Person will meddle of my Cause, I require them to judge the best. And thus I take my leave of the World, and of you all, and I heartily desire you all to pray for me: O Lord have mercy on me, to God I commend my Soul; Jesu receive my Soul.

Among those who were present on this fatal Day, the principal Persons were the Dukes of *Suffolk* and *Richmond*, which last was the King's Natural Son, and in Case he failed of Legitimate Issue Male, designed by him to be his Successor, and therefore it was unseemly in that Young Lord to be then there. The others were the Lord Chancellor and Secretary *Cromwell*, with the Lord Mayor, Sheriffs and Aldermen of *London*. Her Head was cut off by the Hang-man of *Calais*, who was brought over on Purpose, as being more expert in the Art of Decollation than any other in *England*. *Spelman* writes, That her Eyes and Lips were observed to move after her Head was cut off. Her Body was thrown into a common Chest of Elm-tree, that was made to put Arrows in, which was very odd. Surely they might have provided a more decent Coffin for her, who had been lain in the King's Bosom, and had been once the Delight of his Eyes: But so it was, and no otherwise, and in that manner it was convey'd into the *Tower* Chappel, and there bury'd before Twelve a Clock.

Various were the Censures of Mankind in reference to this extraordinary Procerdure, according to the diversity of their Interests. The Papists said the Justice of God was manifest, that she who had supplanted Queen *Catherine*, by the same means met with the like, and even a severer Treatment. Some took notice how faintly she vindicated her self on the Scaffold, as if her Conscience had at last prevailed, so as that she could no longer deny a thing, for which she was so soon to answer at another Tribunal: Whereas others conceiv'd that her touching that Matter in so tender a manner, proceeded from the Care she had of her Daughter, she having observ'd that Queen *Catherine*'s obstinacy had drawn the King's Displeasure upon her Daughter; and therefore to the Intent that her self alone might sustain her Misfortunes, and derive no share of them upon her little Daughter; she deliver'd her self in such a Strain as would administer no cause of Offence to the King. And as she said enough to justify her self, so she said as much, and in the Opinion of some more for the King's Honour, than could be expected.

Queen *Anne*'s Carriage indeed seem'd to be too free, and it was the Sentiments of People in general, that some Freedoms and Levities in her, had incouraged those unfortunate Persons to say such bold things to her since few attempt upon the Chastity, or make Declarations of Love to Persons of such exalted Dignity, except there be some Invitations, at least in their Carriage. Others thought that a free and jovial Temper with

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great Innocence, tho' with little Diſcretion, lead her to all thoſe things which were prov'd againſt her, and therefore they concluded ſhe was Chaſte, but not Diſcreet. Others blamed the King, taxing him home with Cruelty in proceeding ſo ſeverely againſt a Perſon, whoſe Chaſtity he had reaſon to be aſſured of, ſince ſhe had reſiſted his Addreſſes for near five Years, till he legitimated them by Marriage; but others excuſed him as much. Its paſt Diſpute, that her Conduct had given juſt Cauſe of ſome Jealouſy, and that that being the Rage of many, it was no wonder if a King of his Temper, conceiving it againſt one whom he had ſo ſignally obliged, was tranſported into unjuſtifiable Exceſſes.

Some there were who highly blam'd Archbiſhop *Cranmer*, as a Man that obſequiouſly comply'd with all the King's Irregularities and Appetites, and that he had now divorced the King a ſecond time, which ſhew'd his Conſcience was influenced by the King's Pleaſure, as his Supream Lord. I confeſs this looks, but with an indifferent Face, at firſt Sight, but at the ſame time what *Cranmer* did was unavoidable; for let the Motives be what they will, which drew from the Queen the Confeſſion of a Precontract as above-mentioned, he was obliged to give Sentence upon it: And that which ſhe confeſſed being ſuch as incapacitated her to contract Matrimony with the King, he could not decline paſſing a Sentence upon ſo formal a Confeſſion. Some loaded all that favoured the Reformation, ſaying, It now plainly appear'd what a fine Woman their great Patroneſs and Supporter had been, and this

indeed seem'd to add a new Lustre to the severe and unexceptionable Vertue of Queen *Catherine*: But to those Answer was made, That her Crimes, supposing they had been true, being secret, could throw no Reflections upon those who being ignorant of them, made use of her Patronage. But to dwell no longer on this Affair; in short, as there have been some People who since that time have concluded it to be a great Argument of her Guilt, that during her Daughter's long and glorious Reign, there was no full and compleat Vindication of her publish'd, but that the Writers in general terms only asserted her Innocence; others judging more wisely of it, took it to be the more advisable way not to suffer such things to be called in Question, since no wise Government would admit of a Debate about the Clearness and Validity of the Prince's Title: An example whereof we have had in our time, and so well known that I need not mention particular Persons and Names.

Nothing more evidently discovered the Secret of the Queen's Ruine, than the King's marrying *Jane Seymour* the very next Day after the Execution. Then for the Lady *Rochford*, by whose wicked Devices, Queen *Anne*, and her own Husband, in a great measure, came to be undone; God's Judgments at last overtook her, for being Privy to the Incontinency of the King's Fifth Wife, the Lady *Catherine Howard*, she was Sentenced to Death for it, and executed without Pity.

Andre Thevet, a *French* Franciscan, who wrote some Years after the Death of *Henry* VIII. an Universal Cosinography, says, *Lib.* 16. *c.* V. That

That he was assured by divers *English* Gentlemen, that King *Henry* at his Death, among his other Sins, repented in particular of the Wrong he had done the Queen, in destroying her by a false Accusation. And tho' *Thuanus* make him an Author of no Credit, yet there was no Reason to suspect him in that Particular; for Writers seldom lied against their Interest, and the *Franciscans* had suffered so much for adhering to Queen *Catherine*'s Interest, in Opposition to *Anne Boleyne*, that it is not likely one of that Order would have strained a Point to tell an Honourable Story of her; and this was made use of in Queen *Elizabeth*'s time to vindicate her Memory.

The

The Tryal of John Nicholson, *alias* Lambert, *for Heresy, before King* Henry VIII. *himself, sitting Supream Judge in Court.* Anno 1538.

SOON after the Dissolution of the Monasteries and Religious Houses in *England* came on the Troubles, Tryal, Condemnation and Execution of *John Lambert*, a pious Christian, upon the Account of Heterodoxy, as they would then have it to be, in some Points of Religion. He was born and had his Education in his younger Years in the County of *Norfolk*, from whence he was sent to the University of *Cambridge*; where, having made great Proficiency in the *Latin* and *Greek* Tongues, and in his other Studies, and having also translated several things out of both those Languages into *English*, the violence of the Times forc'd him to go beyond Sea, where he became a Preacher and Chaplain to the *English* House at *Antwerp*. Having continued there somewhat above a Year, he was prosecuted by Sir *Thomas Moor*, and thro' the Accusation of one *Barlow*, carry'd from *Antwerp* to *London*.

Having already given you an Account of Tryals for *Heresy* in the Ecclesiastical Courts of these Times, I shall not meddle here with his Examination at *Lambeth*, and afterwards at the Bishop's House in *Oxford*, before *Warham*, Archbishop of *Canterbury*, nor with the several

ſeveral Articles which were exhibited againſt him, and his Anſwers to them; but my preſent Buſineſs is to give the Particulars of his Tryal before the King in Perſon, ſitting as chief Judge upon him. It's very rare indeed, if ever, we meet with any Example of our Princes ſitting themſelves Judicially in Courts of Juſtice to try Cauſes; and I believe this is the firſt that occurs, eſpecially in a Capital Crime, and in the Buſineſs of Religion and Hereſy, wherein Earthly Potentates are not uſually ſo much vers'd as others, whoſe more proper and immediate Study it ought to be. Its true, our Kings in ancient Times ſat in Perſon in the Court call'd King's Bench, on a higher Bench, whilſt the Judges ſat on a low Bench at his Feet, to hear Cauſes: But this is not the ſame Caſe; for the Peers of the Realm, the Biſhops and other Officials, conſtituted this Court for the Tryal of *Lambert*, with the King at the Head of them; and how the King came to engage perſonally in this Affair, was briefly thus:

Stephen Gardiner, Biſhop of *Wincheſter*, was at this time much in the King's Favour, and being an Enemy to all Reformation in Religion, he craftily laid hold of an Opportunity to repreſent to him the Suſpicions which the People almoſt every where had entertain'd of his Conduct in Matters of Religion, ſince he had aboliſh'd the Authority of the Biſhop of *Rome*, diſſolv'd the Monaſteries and Religious Houſes, and obtain'd a Divorce from Queen *Katherine*: But that all things might eaſily be ſet to Rights, and the Affections and good Opinion of the People might ſoon be recover'd, if he would but in this ſingle

Caſe

Case of *John Lambert* stoutly oppose Here
ticks.

The King allur'd by the Bishop's soothin
Arguments, which made a deep Impressio
upon him, some time after issued out a ge
neral Commission, requiring all the Nobilit
and Bishops of the Realm, to repair forthwit
to *London*, in order to assist his Majesty a
gainst Hereticks and Heresies, upon whic
the King himself would sit in Judgment.

Preparations being made for this Solemni
ty, a Day was appointed for *Lambert* to ap
pear before the King and the Nobility, wh
were come together from all Parts of th
Kingdom; which rais'd very strange Expecta
tions in the People, what the Event of thi
uncommon Assembly would be. The Priso
ner was plac'd over against the Royal Throne
and at last the King came in Person to b
Judge of the whole Controversy: He wa
attended with a strong Guard, and clad all i
White, an Emblem of Innocence. On hi
Right Hand the Bishops sate, and behind
them the Lawyers, cloathed all in Purple, a
usual: On the Left sat the Peers of th
Realm, Judges, and other Nobles in due Or
der, behind whom sat the Gentlemen of th
King's Privy Chamber. This was the Man
ner and Form of the Court, which, tho' aw
ful enough, and more than sufficient to dash
a mean Man; yet the King's fierce and me
nacing Looks, knit Brows, and other Indica
tions of his Displeasure and Prejudices against
the poor Innocent Prisoner, did not a little
augment the Terror.

When the King was seated on his Throne,
after he had sternly fix'd his Eye upon *Lam-*
bert

rt for a little while, he turn'd his Face to s Councellors, and calling to Dr. *Day*, Biſhop *Chicheſter*, commanded him to declare un- the People the Reaſons for that Aſſembly nd Form of Judicature. He acquainted hem, *That it was the King's Will and Pleaſure, at all States and Degrees of Men, as well Biſhops others, ſhould be given to underſtand and admo- ſhed, that no body ſhould entertain an ill Opinion him, as if, now the Authority of the Biſhop of* ome *in this Kingdom was utterly aboliſh'd, he ould alſo deſtroy all Religion, and ſo allow Here- icks to diſturb and moleſt the Church of* England, *which he was the Head, impunedly.* Then he dded, *That he would not have them imagine, that at extraordinary Court was held, in order to enter pon any Diſpute about Heretical Poſitions and Do- trines; but only to the End, that by his own and e other Biſhop's Endeavours, the Hereſies of the riſoner, there preſent, and of all others like his, ould be refuted and openly condemned, in the reſence of them all.*

When the Biſhop had made an end of his peech, the King ſtood up, and then leaning pon a Cuſhion of White Tiſſue, look'd upon he Priſoner, with bended Brows, as if he eſign'd great Severities towards him, and aid, *Hoe, good Fellow, what is thy Name?* The ood Man kneeling in a very humble man- er, ſaid, *My Name is* John Nicholſon, *tho' veral People call me* Lambert. *What*, ſaid the ing, *Have you two Names? I wou'd not truſt a an that goes by two Names, if he was my Brother.* Then ſaid *Lambert*, *Moſt Noble and moſt Pu- ant Prince, your Biſhops put me upon the Neceſ- y of changing my Name:* Then having ſaid veral other things by way of Introduction, the

the King commanded him to come to the Matter of Fact, and fully to declare his Mind and Judgment concerning the Sacrament of the Altar: Upon which the Prisoner beginning to speak for himself, he gave God Thanks, 'who had so inclin'd the King's Royal Heart, 'that he would not disdain to come in Person to hear and determine the Controversies 'on foot in Matters of Religion; seeing it 'had frequently happen'd, that many good 'and innocent Persons, through the Bishops 'Cruelty, had in several Places been privately put to Death and murder'd, without his 'Majesty's Knowledge: But now since that 'Great and Eternal King of Kings, in whose 'Power are the Hearts of all Princes, has so 'inspir'd your Majesty, as to be willing to 'be present and hear the Causes of your 'Subjects, especially seeing of his Divine 'Goodness he has so abundantly endu'd you 'with Knowledge and Judgment, I do not 'doubt but God Almighty will accomplish 'some things that is very signal and remarkable through your means, to the manifestation of the Glory of his Great Name.

Here the haughty King interrupting him with an angry Tone, said, *I did not come hither to hear my own Praises set forth before my Face: I expect you would come directly without any more ado to the Matter of Fact.*

These Words he spoke in *Latin*, and after so rough and angry a manner as abash'd the Prisoner to a Degree beyond all Expectation: For he stood still for a while, and could not speak at all, as not knowing which way to turn himself in these extraordinary Streights and Extremities.

On

On the other hand, the King being very ſafty and violent, cry'd out, *Why doſt thou and ſtill? Let us have thy Anſwer concerning the ſcrament of the Altar; and whether thou wilt own to be the Body of Chriſt, or deny it?* And upon hat the King lifted up his Bonnet.

Lambert. I anſwer with St. Auguſtine, *that it the Body of Chriſt after a certain manner.*

King. *Do not anſwer me out of St.* Auguſtine, *r from any other Authority, but tell me plainly hether you ſay it is the Body of Chriſt or not?* he King deliver'd theſe Words alſo in *Latin.* Lambert. *Then I do deny it to be the Body of Chriſt.*

King. *Mind what is ſaid, for thou ſhalt now be ndemn'd by Chriſt's own Words,* Hoc eſt Corpus eum.

Here the King commanded *Thomas Cranmer,* rchbiſhop of *Canterbury,* to refute his Aſſer-ons. The Archbiſhop having made a ſhort reamble to the Auditors, began his Diſpu-tion with *Lambert* in very modeſt terms, ying, *Brother* Lambert, *let this Controverſy be anag'd between us: If I from Scripture can de-nſtrate the Falſity of your Arguments, I expect u will readily be convinc'd of your Error; but if clear Texts of Scripture you can make it good, I promiſe you I will as readily embrace the ſame.* The Argument made uſe of by *Cranmer* was ounded upon thoſe Words in the *Acts of Apoſtles,* where Chriſt appeared to St. *Paul* the way, from which Text it was infer'd, t the Body of Chriſt might be in two Places once, for it being in Heaven, it was at the me time ſeen by St. *Paul* on Earth. I had e to be drawn in inſenſibly into the Diſpute tween the Archbiſhop and ſeveral others of Biſhops, who ſpake on that occaſion, and

Lambert

Lambert the distress'd Prisoner, concerning t
Sacrament of the Altar; but my main Dr
in putting in this Tryal of *Lambert*, being
shew the Singularity of it, and how far t
King as a Judge, I wish I cou'd not say a Pa
ty, concern'd himself in this unhappy Affa
I shall pass over all the Bishop's Argumen
with the Prisoner's Defence and Answers, th
being for the most part of the same Natu
with some others used in the preceding Tr
als; and come to observe, That the Tryal h
ving lasted Five Hours, and the poor Prison
bore down with Clamour and Weariness,
remain'd at last quite silent, and Night co
ing on, the King said to *Lambert*, *What say
thou now, after all the Toyl thou hast taken up
thee, and all the Arguments and Instructions giv
by the Learned on this occasion? Wilt thou live
dye? What say'st thou? Thou hast got a free Choi
Lambert* reply'd, *I yield and wholly submit my
to your Majesty's Pleasure.* Then said the Kin
*Commit thy self into God's hands, and not mi
I do commit my Soul into the Hands of God*, quo
*Lambert, but my Body I do entirely yield and s
mit to your Clemency.* Then said the King,
*you submit your self to my Judgment, you m
Dye, for I will not be a Patron of Hereticks.*

Here, it's plain, the King took upon him
pass Judgment upon the Prisoner, though
left the Formality of it to another, for tur
ing to *Cromwell*, he said, Cromwell, *read
Sentence of Condemnation against him.* It's not t
least remarkable Circumstance of this Try
that the Bishop of *Winchester* should have t
Artifice to bring those Persons who were t
greatest Promoters of the Reformation, to
Instruments of the Condemnation and Dea

of this good Confeſſor, I mean *Taylor*, *Barnes*, *Cranmer* and *Cromwell*, who afterwards all of them, in a manner, ſuffer'd for the ſame Truth.

As to the Subſtance of the Sentence, the Schedule, which *Cromwell*, at the King's Command read, imported That Hereticks ſhould be burnt, who ſpoke or wrote any thing, or had any Books by them, repugnant to the Church Doctrine and Tradition concerning the Sacrament of the Altar: That it was order'd the ſame ſhould be put up on Church Doors, and read four times a Year in every Church in the Kingdom, whereby the Worſhipping the Bread ſhould be more firmly fix'd in the Hearts of the People.

The day appointed for the Martyrdom of the good Man being come, he was conducted out of Priſon to the Lord *Cromwell*'s Houſe, and ſo into the Inner Chamber, where 'twas commonly reported, his Lordſhip deſired him to forgive him for what he had done; from whence being brought into the Hall, he Breakfaſted with the Gentlemen without any Signs of Fear or Dejection, and then being had to the place of Execution in *Smithfield*, they us'd him with more Cruelty and Barbarity than any other: For firſt, they burnt his Legs to the Stumps, and then his wretched Tormentors having withdrawn the Fire from him, there was not ſo much left as could conſume his Body, ſo that two of the Officers ſtuck their Halberts into him, as far as the Chain would reach, upon which lifting up his Hands and his Finger Ends flaming with Fire, and crying *None but Chriſt, none but Chriſt*, then let him fall from their Halberts into the Fire, and there he ended his Life.

The History of the Tryal, or rather Attainder, of Thomas Cromwell, *Earl of* Essex, *Unheard, for Treason.*

ACTS of Attainder in Parliament without hearing the Party accused were too common in the Reign of that haughty and uncontrolled Monarch, King *Henry* VIII. It is generally recorded in History, that *Cromwell* promoting the Match between the King and the Lady *Anne* of *Cleve*, was the principal Cause of his Fall; but his being promoted after that to the Title of Earl of *Essex*, the Male Line of the *Bourchiers* being then extinguished, we must seek for some other, or at least more Reasons than this; seeing 'tis certain the King would never have thus raised him, if he intended so soon to pull him down.

Cromwell had at least some of the very same Enemies as Queen *Anne*, more particularly the House of *Norfolk*. The King had raised him from a very mean Origin, being a Blacksmith's Son of *Putney* in *Surrey*, to be next Man to himself and the Royal Family in the Kingdom, as he was Vice-Gerent of *England*; besides which he had several other great Places and Dignities as Lord Privy-Seal, Lord Chamberlain of *England*, and Master of the Rolls, with which he had but lately parted. These things occasioned him to be envy'd by all sorts of People; and his aspiring to the Order of the Garter

Garter was thought to be an inexcuſable Vanity, which muſt needs be obnoxious to the Nobility, and I believe, to the Duke of *Norfolk* in particular, with whom *Cromwell* a little before his Misfortune had a Ruffle, which had no ſmall Influence upon his Fall.

After the Six Bloody Articles about Religion were made in King's *Henry*'s Reign, by which ſome Papiſts as well as Proteſtants ſuffered Death, and the Parliament being prorogued, the King retaining ſtill a great Kindneſs for Archbiſhop *Cranmer*, he apprehended he might be much caſt down about that Act; and therefore he firſt ſent for him, and told him, That he had heard how much, and with what learning he had argued againſt it; and therefore he deſir'd he would put all his Arguments into Writing, and bring them to him. Not content with this, he ſent the next Day the Dukes of *Norfolk* and *Suffolk* and the Lord Chancellor, to dine with the Archbiſhop; ordering them to aſſure him of the King's conſtant and unſhaken Affection for him. When they were at Table with him at *Lambeth*, they launched out much in his Praiſe, and acknowledged he had oppoſed the Bill with much Learning, Gravity and Eloquence; that even thoſe who diſſented from him, were much taken with what he had ſaid, and that he needed not to fear any thing from the King.

Now *Cromwell* taking the Word, and ſaying that the King made this Difference between the Archbiſhop and the other Privy-Counſellors; that when Complaints were made againſt them, the King received and examined the Truth of them, but that he would not as much as hearken to any Complaints againſt

the Archbishop. From thence he proceeded to make a Parallel between him and Cardinal *Wolsey*, that the one lost his Friends by his Pride and Haughtiness, but that the other won the Hearts of his Enemies by his milde and gentle Disposition; upon which the Duke of *Norfolk* said, *He could give the best Account of the Cardinal, for he knew him well, having been his Servant.* *Cromwell* being nettled at this, answer'd, *That tho' he had served him, yet he never liked his Conduct; and was never so fond of him as to have waited upon him to* Rome, *if he could have obtained the Papacy, as he understood the Duke would have done.* Now the Duke denying the matter of fact and *Cromwell* persisting in asserting it, and adding withal the number of *Florins* he was to have to be his Admiral, to Convoy him safe to *Rome*; the Duke reply'd with a deep Oath that he *He lyed*, with other reproachful Language. But tho' the Contention was by the Interposition of the good Archbishop and Nobles there present allay'd and pacify'd, yet it took such deep Root in the Mind of the Duke, as was thought had an Influence on *Cromwell*'s Ruine.

Cromwell being also a great Promoter of the Reformation, all the Popish Party, of which the Duke was, bore an inveterate hatred to him; besides, as he was esteem'd to be the Person who had kept the King and the Emperor at such a distance, he was particularly hated by the Duke and *Gardiner* on that Account, and they thought it not impossible, if they could get rid of him, to make a Treaty between them, from whence they expected a way might be opened for one with the Pope: But other more secret Reasons occasioned his Ruine

Ruine with the King, who had now no great Apprehenſion of a League between the Emperor and *France*, ſince he underſtood Things went no farther than Complements. And tho' he clearly diſcover'd, that he was not to depend much upon the Friendſhip of *France*; yet at the ſame time he knew the Emperor would not give up the Dutchy of *Milan* to him. So that being aſſured upon the whole, that the Emperor would willingly make an Alliance with him, he grew indifferent whether the *German* Princes, whoſe Friendſhip he had before ſought for, were pleaſed with his Conduct or not; ſince he had now attained the End he had propoſed to himſelf in all his Negotiations with them, which was to ſecure himſelf from any trouble the Emperor might give him; and therefore the Counſels of *Cromwell* were now diſliked, who had always animated the King to favour theſe Princes againſt the Emperor.

We may, notwithſtanding what has been already mentioned, obſerve, That the King's great Averſion to the Queen, and his being ſtruck with the Beauty and Behavior of Mrs. *Catherine Howard*, a Daughter of the Lord *Edmund Howard*, the Duke of *Norfolk*'s Brother, was another ſecret Cauſe of his fall: For as this deſign'd Match enhaunc'd the Reputation of the Unkle, the ill Conſequences of the former depreſs'd him, who had been the chief Adviſer of it.

Moreover the King finding his Government grown uneaſy to his People, he took it to be no ill Pollicy to throw all miſcarriages upon a Miniſter who had great Credit with him, in order to clear himſelf, and make them more

moderate in censuring his Actions. His Fall was so secretly carry'd on, that tho' he had often before expected it, as being well acquainted with the King's uneasy and jealous Temper, yet at that time he had no Apprehensions of it; and so he was on the 13th of *June* 1540, even at the Council-Board, accused of High Treason by the Duke of *Norfolk*, arrested and sent Prisoner to the *Tower*. He had now the common fate of all disgraced Ministers, to be forsaken by his Friends and insulted by Enemies; only Archbishop *Cranmer* still retained so much of his former Simplicity, that he could never learn these Court Arts: And therefore writing to the King next Day about him, he adventured to magnify very much his Diligence in the King's Service and for his Preservation, by discovering all Plots as soon as they were hatch'd; that he had ever loved the King above all other things, and served him with great Fidelity and Success; that he thought no King of *England* ever had such a Servant, and for that Reason he had loved him, as one that loved the King above all others. If he was a Traitor, he was glad he was detected, but he pray'd God earnestly to send such a Counsellor in his stead, who could, and would serve him as he had done.

But *Cromwell*'s Ruin was now decreed, and tho' indeed it did not look just at all in the manner of Proceeding against him, yet it seem'd to be a very exact Retribution of Providence, that he who had but the Year before so servilely comply'd with the King's Humour, in promoting some to be Attainted, without being brought to make their Answer,

ſwer, ſhould fall under the ſame Severity himſelf. Theſe were the Marchioneſs of *Exeter* and Counteſs of *Salisbury*, Cardinal *Pool*'s Mother. There was ſome Debate about it in Parliament; to clear which *Cromwell* was ſo Officious, as to ſend for the Judges, to have their Opinions, Whether a Perſon might not be attainted in Parliament without being brought to Anſwer and be heard? The Judges ſaid, *That it was a dangerous Queſtion, that the Parliament ought to be an Example to all inferior Courts, and that when any Perſon was charged with a Crime, he was by the common Rules of Juſtice and Equity to be heard to Plead for himſelf; but the Parliament being the Supream Court of the Nation, what way ſoever they proceeded, it muſt be good by Law; and it could never be queſtioned whether the Party was brought to Anſwer or not.* This Anſwer of the Judges, tho' ſeemingly ſomewhat complying, was in the main very juſt and honeſt, and ſhew'd the Regard they had to their own Oaths and the Liberty of the Subject, in as imperious a Reign as we have ever had ſince in *England*; in ſome of which, nevertheleſs, and even in our own Memory, we have ſeen ſuch baſe Compliances in *Weſtminſter-Hall* to Sovereign Will and Pleaſure, and to the diſpenſing with all Laws, that will not very eaſily be forgot; how high ſoever ſome have exalted the *Jus Divinum* of Princes, which I do not care to meddle with.

I may be allow'd to make a very ſhort Digreſſion concerning theſe two Ladies, and indeed it is not foreign from my ſubject; that the ſpecial matter charged on the Marchioneſs was, her confederating with Sir *Nicholas Carvet* in his Treaſons, to which was added, That

she had committed divers abominable Treasons.

The latter was said to have confederated with her Son the Cardinal, with other aggravating Words. It does not appear by the Journal that any Witnesses were examined, only that on the Day the Bills were read in the House of Lords, *Cromwell* shew'd them a Coat of White Silk, which the Lord Admiral had found among the Countess of *Salisbury*'s Cloaths, in which the Arms of *England* were wrought on the one side, and the Standard on the other. This was brought in as Evidence that she approved of the Rebellion.

——— *Pudet hæc opprobria dici.*

But to return now to the Proceedings against the Earl of *Essex* himself: Whether it was that his Enemies knew that if he was brought to the Bar, he would so justify himself, that they would find great Obstructions in the Process; or whether it was that they blindly resolv'd to follow that injustifiable Precedent, of passing over so necessary a Rule in all Courts, of giving the Party accused a fair and full Hearing: The Bill of Attainder was brought into the House of Lords, Archbishop *Cranmer* being absent, as appears by the Journal of the 17th of *June*, and read the first time, and on the 19th was read the second and third time, and sent to the Commons for their Concurrence. So Compliable their Lordships were with the Inclinations of the Court, and so little Regard they had to the Liberties of the People, which as bad as some Persons might think it is with us in our Time, would have

have been ſtruggled for in Caſes of much leſs moment than Life, and carry'd without many Diſſentients.

The Lords having acted their Part, we'll ſee what the Commons would do as far as we have Light to inſpect into their Proceedings: It ſeems, his Lordſhip found there ſomewhat of the ſame Meaſure, which ten Years before he had dealt to the Cardinal, tho' not with the ſame Succeſs; for the Buſineſs ſtuck there ten Days: At length a new Bill of Attainder was ſent up of the drawing of the Houſe of Commons, with a Proviſo annext to it; they alſo ſent back the Bill that had been brought down to them from the Lords. But 'tis not clear from the Journals what they meant by thoſe two Bills. It looks as if they had rejected the Lords Bill, and yet ſent it up with their own, either in Reſpect to the Lords, or that they left it to their Choiſe, whether of the two Bills they would offer for the Royal Aſſent. But tho' this is an Unparliamentary way of Proceeding, the Words of the Journal ſeem to bear no other Sence. * The King gave his Royal Aſſent to it on the very ſame Day.

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* Item Billa attincturæ Thomæ Cromwell comitis Eſſex de crimine Hereſis & Leſæ Majæſtetis, per communes de novo concepta & aſſenſa, & ſimul cum proviſione eidem annexa. Quæ quidem billa Io. IIdo. & IIItio. lecta; & Proviſo ejuſdem eſt concernens *Decanatum Wellenſem* ter lecta eſt & *communi omnium Procerum conſenſu nemine diſcrepante expedita*; & ſimul cumæa referebatur billa Attincturæ quæ prius miſſa erat in Domum communium.

The Act of Attainder inported, *That the King having raised* Thomas Cromwell *from base Degree, to great Dignities and high Trust, yet he had now by a great number of Witnesses and Persons of Honour, found him to be the most corrupt Traytor, and Deceiver of the King and Crown that had ever been known in his whole Reign.*

That he had taken upon him to set at Liberty divers Persons clapt into Prison for misprision of Treason, and others that were suspected of it.

That he had given out many Commissions without the King's Knowledge, and being but of base Birth, had said, That he was sure of the King.

That he had granted many Pass-Ports both to the King's Subjects and Foreigners for passing the Seas without Search.

That he being also an Heretick, had dispersed many erroneous Books among the King's Subjects particularly some that were contrary to the Belief of the Sacrament: And when some had inform'd him of this, and had shewed him those Heresies in Books Printed in England, *he said,* They were Good, and that he found no Fault in them; *and said* That it was as lawful for every Christian Man to be the Minister of the Sacrament as a Priest.

And that whereas the King had constituted him Vice-Gerent for the Spiritual Affairs of the Church, he had under the Seal of that Office licensed many that were suspected of Heresy, to preach over the Kingdom, and that he had both by Word of Mouth and in Writing suggested to several Sheriffs, It was the King's Pleasure, they should discharge many Prisoners, some of whom were indicted, and others apprehended for Heresy. And when many particular Complaints were brought to him of detestable Heresies with the Names of the Offenders, he not only defended

he Hereticks, but ſeverely check'd the Informers, nd vexed ſome of them by Impriſonments and o- her ways; the particulars of all which were too edious to be recited. And he having entertained many of the King's Subjects about himſelf, whom he had infected with Hereſy, and imagining he was by force able to defend his Treaſons and Hereſies, on he laſt of March, *in the* 30*th Year of the King's Reign, in the Pariſh of* St. Peter's the Poor, *in* London, *when ſome of them complained to him of he new Preachers, ſuch as* Barnes *and others, he ſaid,* That their Preaching was good, *and ſaid among other things,* That if the King would turn from it, yet he would not turn, and if the King did turn and all his People with him, he would Fight in the Field in his own Perſon with his Sword in his Hand againſt all others; *and then he pulled out his Dagger and held it up, ſaying,* or elſe this Dagger thruſt me to the Heart, if I ſhould not dye in that Quarrel againſt them all, and I truſt if I Live one Year or two, it ſhall not be in the King's Power to reſiſt, or let him. if he would, *and ſwearing a great Oath, ſaid,* I would do ſo indeed.

That he had alſo by Oppreſſion and Bribery raiſed a great Eſtate for himſelf, and extorted much Money from the King's Subjects, and being grown very Rich, treated the Nobility with Contempt.

And that on the laſt of January, *in the* 31*ſt Year of the King's Reign, in the Pariſh of St.* Martins in the Fields, *when ſome had put him in mind what a Pitch the King had raiſed him, he ſaid,* If the Lords ſhould handle him ſo, he would give them ſuch a Breakfaſt as was never made in *England*, and that the Proudeſt of them ſhould know it.

For

For all which Treasons and Heresies he was attainted to suffer the Pain of Death, for Heresy and for Treason, as should please the King, and to forfeit all his Estate and Goods to the King's use, that he had on the last of March *last, in the* 31*st of the King's Reign, or since that time.*

There was also added to this Bill a Proviso, *That this should not be injurious to the Bishop of* Bath *and* Wells, *and to the Dean and Chapter of* Wells, *with whom it seems he had made some Exchanges of Lands.*

Its very easy to discern from the Particulars of this Attainder now recited, why he was not allowed the Liberty to Answer for himself, most of them relating to Orders and Directions given by him, for which its very probable he had the King's Warrant. As to the Articles of Heresy, all the World knows how far the King had proceeded towards a Reformation; so that its more than likely that what the Earl did in that Respect was done by the King's Order, and how far he had Authority vested in himself in things of that kind, as Vicar-General of the Kingdom shall be no Subject of our Inquiry: But the King now falling from these things, it was thought they intended to stifle him by such an Attainder, that he might not discover the secret Orders or Directions given him for his own Justification. As for the Particulars of Extortion and Bribery, they being mention'd only in general Terms, seem only to be thrown into the Lump to blacken and defame him. But for those Treasonable Words, it was generally thought they were a Contrivance of his Enemies; seeing it looked very extravagant in a Favourite in the height of

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his Grandeur and Prosperity to talk so rudely nd indiscreetly; and indeed some of the Exressions savour more of Madness than Sence; o this it may be added, that 'tis not probaole since so many great and watchful Eyes were upon him at Court, any such Discourses ould have lain Secret so long, or if they had ome to the King's Knowledge, he was not Prince of such a Temper, all the World nows, as to have readily forgiven them; much ess had he employ'd and advanced a Person fter such opprobrious and rude Expressions: Neither indeed is it to be believed, that the Words should lye dormant for fifteen Months fter they were spoken, and that no Body, ut of Zeal to the King's Service, or Malice o *Cromwell*, would have discovered them. The Formality of drawing his Dagger made the Business still the more suspicious; this being o affix an Overt-act to the Words, which, n the Opinion of most Lawyers, was necesary to make them Treason. But as if these Words had not been bad enough, some Auhors have made them worse still, as if he ad said, *He would thrust his Dagger into the ing's Heart*; for which they have no full Auority to back them.

Cromwell not to be wanting to himself in y thing he was permitted to do, in those eplorable Circumstances, the very next Day ter the Bill was pass'd, wrote the following etter to the King.

To

To the King, my most gracious Sovereign Lord, His Royal Majesty.

MOst merciful King and most gracious Sovereign Lord, may it please the same to be advertiz'd, that the last time it pleas'd Your benig Goodness to send unto me the Right Honourable the Lord Chancellor, the Right Honourable Duke of Norfolk, *and the Lord Admiral, to examine, and also to declare unto me divers things from Your Majesty, among the which are several that they moved and thereupon they charg'd me, as I would answer before God in the dreadful Day of Judgment, and also upon the extream Danger and Damnation of my Soul and Conscience, to say what I knew in the Marriage, and concerning the Marriage between Your Highness and the Queen. To which I answer'd I knew, declaring unto them the Particulars, as nigh as I then could call to Remembrance, which when they had heard, they, in Your Majesty's Name and upon the Charge as they had given me before Commanded me to tell Your Highness the Truth, as much as I knew in the matter, which now I do as the very Truth as God shall save me, to the utter most of my Knowledge. First, After Your Majesty heard of the Lady* Anne *of* Cleve's *Arrival at* Dover, *and that her Journey was appointed towards* Greenwich, *and that she should be at Rochester on New-Years Even at Night; Your Highness declared to me, that You would privily visit her at* Rochester *on New-Years day, adding these Words,* To nourish Love, *which accordingly Your Grace did upon New-Years day as is above-mentioned. And the next Day being* Friday, *Your Grace returned*

eturn'd to Greenwich, *where I ſpoke with Your Grace, and demanded of Your Majeſty how You lik'd the Lady* Anne; *Your Highneſs anſwer'd as me-thought heavily and not pleaſantly*, Nothing ſo well as ſhe was ſpoken of, *ſaying farther*, that if Your Highneſs had known as much before as you then knew, ſhe ſhould not have come within this Realm; *ſaying as by the way of La-mentation*, What Remedy? *Unto which I an-ſwer'd and ſaid*, I know of none, but was very ſorry therefore; *and ſo, God knows, I was, for I thought it a hard Beginning. The next Day after the Receipt of the ſaid Lady, and her Entry made into* Greenwich, *and after Your Highneſs had brought her into her Chamber, I then waited upon Your Highneſs into the Privy Chamber, and being there, Your Grace called me to you, ſaying to me theſe Words or the like*; My Lord, Is it not as I told you, ſay what they will, ſhe is nothing ſo fair as hath been reported, how be it, ſhe is well and ſeemly. *Whereunto I anſwer'd and ſaid*, By my faith, Sir, ye ſay Truth; *adding thereto*, That I thought ſhe had a Queenly manner, and nevertheleſs was ſorry Your Grace was no better content. *And thereupon Your Grace commanded me to call together Your Council, which were theſe by Name; the Archbi-ſhop of* Canterbury, *the Dukes of* Norfolk *and* Suffolk, *my Lord Admiral, and my Lord* a Du-dance, *and my ſelf, and commune of thoſe matters, and to know what Commiſſions the Agents of* Cleve *had brought, as well touching the Performance of the Covenants ſent before from hence to Doctor* Wooton *to have been concluded in* Cleve, *as alſo in the Declaration, how Matters ſtood in the Cove-nants of Marriage between the Duke of* Lorain's *Son and the ſaid Lady* Anne. *Whereupon* Oleſte-

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ger *and* Hogeston *were call'd, and the Matter propos'd, whereby it plainly appear'd, that they were much astonish'd and abash'd, and desired that they might make Answers the next Morning, which was* Sunday ; *and upon the* Sunday *in the Morning Your said Counsellors and they met together early, and there eftsoons was propos'd unto them, as well touching the Commission which was sent to Mr.* Wooton, *as also touching the Contracts and Covenants of Marriage between the Duke of* Lorain's *Son and the Lady* Anne, *and what Terms they stood in. Which things so propos'd, they answer'd as Men much perplex'd, that as touching Commissions, they had none to treat concerning the Articles sent to Mr.* Wooton, *and as to the Contracts and Covenants of Marriage they could say nothing, without a Revocation was made, and that they were by Spousals. And finally, after much Reasoning, they offer'd themselves to remain Prisoners, until such time as they should have sent unto them from* Cleve *the first Articles ratified under the Duke their Master's Hand and Seal, and also a Copy of the Revocation made between the Duke of* Lorraine's *Son and the Lady* Anne. *Upon which Answers I was sent to Your Highness by the Lords of the Council to declare to Your Highness their Answer ; and came to You by the Privy Ways into Your Privy Chamber, and declared unto the same all the Circumstances, wherewith Your Grace was very much displeas'd, saying,* I am not well handled. *Insomuch that I might well perceive, that Your Highness was fully determin'd not to go through with the Marriage at that time, saying unto me these Words, or the like in effect,* That if it were not that she is come so far into my Realm, and the great Preparations that my States and People have made for her, and of maki

a Ruffle in the World, that is to mean, to drive her Brother into the Hands of the Emperor and the *French* King's Hands, being now together, I would never have Marry'd her. *So that I might well perceive Your Grace was neither Content with the Perſon, nor yet with the Proceedings of the Agents; and after Dinner the ſaid* Sunday, *Your Grace ſent for all the ſaid Counſellors in, repeating how Your Highneſs was handled, as well touching the ſaid Articles, as alſo the ſaid Matters of the Duke of* Lorraine's *Son. It might, and I doubt not, did appear unto them, how loath Your Highneſs was to have Marry'd at that time. And thereupon and upon the Conſiderations aforeſaid, Your Grace thought that it ſhould be well done, that ſhe ſhould make a Proteſtation before the ſaid Counſellors and Notaries, to repreſent,* That ſhe was free from all Contracts, *which was done accordingly. And thereupon I repairing to Your Highneſs, declaring,* How that ſhe had made the Proteſtation. *Whereunto Your Grace anſwer'd in full theſe Words, or much like,* Is there none other Remedy but that I muſt needs, againſt my Will, put my Neck into the Yoke, *and departed, leaving Your Highneſs in a Study or penſiveneſs. And yet Your Grace determin'd the next Morning to go through, and in the Morning, which was* Monday, *Your Majeſty preparing Your ſelf towards the Ceremonies; there was one Queſtion,* Who ſhould lead her to the Church? *And it was appointed, that the Earl of* Eſſex, *deceas'd, and another Earl that came with her, ſhould lead her to the Church. And thereupon one came to Your Highneſs and ſaid to You,* That the Earl of Eſſex was not come; *whereupon I repair'd back again into Your Grace's Privy Chamber, and ſhew'd*

Your Highness, how he was come, and thereupon Your Majesty advanc'd towards the Gallery out of Your Privy Chamber, and Your Grace being in and about the midst of Your Chamber of Presence, called me unto You, saying these Words or the like Sentence, My Lord, If it were not to satisfie the World and my Realm, I wou'd not do that I must do this Day for none Earthly thing: *And therewith one brought Your Grace Word, that She was coming, and thereupon Your Grace repair'd into the Gallery towards the Closet, and there waited for her coming, being nothing content that She so long tarry'd, as I judg'd then; and so consequently She came, and Your Grace afterwards proceeded to the Ceremonies, and they being finish'd, travell'd the Day as appertain'd, and the Night after the Custom. And in the Morning on* Tuesday, *I repairing to Your Majesty into Your Privy Chamber, finding Your Grace not so pleasant as I trusted to have done, I was so bold to ask Your Grace,* How you lik'd the Queen? *Whereunto Your Grace soberly answer'd, saying,* I am not all Men, surely as ye know, I lik'd her before not well, but now I like her much worse, for *quoth Your Highness,* I have felt her Belly and her Breasts, and thereby, as I can judge, she should be no Maid, which struck me to the Heart when I felt them, that I had neither Will nor Courage to proceed any farther in other Matters, *saying,* I have left her as good a Maid as I found her. *Which methought ther Ye spoke displeasantly, which made me very sorry t hear. Your Highness also after* Candlemas *and before* Shrovetide *once or twice said,* That y were in the same case with her as ye wer before, and that your Heart could never con

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ſent to meddle with her Carnally. *Notwithſtanding Your Highneſs alledg'd, that ye for the moſt part us'd to lay Nightly, or every ſecond Night by her, and yet Your Majeſty ever ſaid,* That ſhe was as good a Maid for you as ever her Mother bore her, for any thing ye had miniſtred to her. *Your Highneſs alſo ſhewed to me in* Lent *laſt paſt, at ſuch time as Your Grace had ſome Communication with her of my Lady* Mary, *how that ſhe began to wax ſtubborn and wilful, ever lamenting your Fate, and ever verifying that ye never had any Carnal Knowledge with her; and alſo after* Eaſter, *Your Grace likewiſe at divers times, and in the* Whitſon *Week, in Your Grace's Privy Chamber at* Greenwich, *exceedingly lamenting Your Fate, and that Your greateſt Grief was,* That ye ſhould ſurely never have any more Children for the Confort of this Realm, if ye ſhould ſo continue, *aſſuring me, that* before God ye thought She was never your Lawful Wife: *At which time Your Grace knoweth what Anſwer I made, which was,* That I would, for my part, do my utmoſt to comfort and deliver Your Grace of Your Afflictions; *and how ſorry I was both to ſee and hear Your Grace, God knoweth. Your Grace divers times ſithen* Whitſontide *ever alledging one thing, alſo ſaying,* That ye had as much to do to move the conſent of your Heart and Mind, as ever did Man, and that you took God to witneſs, but never, *you ſaid,* the Obſtacle could never out of your Mind: *And gracious Prince, after that You had firſt ſeen her at* Rocheſter, *I never thought in my Heart that ye were or would be contented with that Marriage. And, Sir, I know in what Caſe I ſtand, in which is only the Mercy of God and Your Grace:*

If I have not to the uttermost of my Remembrance, said the Truth and the whole Truth in this Matter, God never help me. I am sure there is, as I think, no Man in this Your Realm, that knew more in this than I did, Your Highness only excepted. And I am sure my Lord Admiral calling to his Remembrance, can shew Your Highness, and bring Witness what I said unto him after Your Grace return'd from Rochester, *yea, and after Your Grace's Marriage, and also how of late sithence* Whitsontide, *and I doubt not but many and divers of my Lords of Your Council, both before Your Marriage and sithence, have right well perceiv'd, that Your Majesty hath not been well pleas'd with Your Marriage. And as I shall answer to God, I never thought Your Grace content after you had once seen her at* Rochester. *And this is all that I know, most gracious and most merciful Sovereign Lord, beseeching Almighty God, who ever hath in all Your Causes counsell'd, preserv'd, open'd, maintain'd, deliver'd and defended Your Highness, so he will now vouchsafe to counsel you, preserve you, releive and defend you, as may be most to the Honour, Wish, Prosperity, Health and Comfort of Your Hearts desire; for the which and for the long Life and Prosperous Reign of your most Royal Majesty, I shall, during my Life and while I am here, pray to Almighty God, that he of his abundant Goodness will help and comfort You; and after Your continuance of* Nestor's *Days, that that most noble Imp, the Prince's Grace, your most dear Son, may Succeed you, to Reign long, prosperously and feliciously to God's pleasure: Beseeching most humbly Your Grace to pardon this my rude Writing, and to consider that I am a most woeful Prisoner, ready to take the Death when it shall please God and Your Majesty, and yet the frail Flesh inciteth me continu-*

ally

ally to call to Your Grace for Mercy and Grace for mine Offences, and thus Christ save, preserve and keep you.

Written at the Tower *this* Wednesday *the last of* June, *with the heavy Heart and trembling Hand of Your Highness's most heavy and most miserable Prisoner and poor Slave*

THOMAS CROMWELL.

Most gracious Prince, I cry for Mercy, Mercy, Mercy.

The conclusion of this Letter is conceiv'd, you see, in such abject terms, as might be thought unsuitable to a brave and generous Mind; but when we consider the natural desires of Life that are implanted in us and that Death, even to the stoutest and most innocent Heart, is the King of Terrors; It's not to be wonder'd he should descend to such Meannesses, as in any other case would be adjudg'd ridiculous and very blame worthy; to say nothing of Self-preservation, which is the first Principle in Nature.

The King, as haughty as he was and so much prejudic'd against *Cromwell*, caused his Letter to be read thrice to him, and was much moved with it, but the Charms of *Katherine Howard* and the Sollicitations of the Duke of *Norfolk* and the Bishop of *Winchester*, at length prevailing, he was, after he had been a Prisoner Six Weeks, brought forth to his Execution on the 28*th* of *July*. Being on the Scaffold, his Affection to his Son made him very cautious in what he said; he declin'd to

justify himself, but said, he was by Law Condemn'd to Dye, and thank'd God for bringing him to that Death for his Offences. He acknowledg'd his Sins against God, and his Offences against his Prince, who had rais'd him from a base Degree. He declared that he dy'd in the Catholick Faith, not doubting of any Article of Faith, or of any Sacrament of the Church, and deny'd that he had been a Supporter of those who had deliver'd ill Opinions; he confess'd he had been seduc'd but now dy'd in the Catholick Faith, and desir'd them to pray for the King, and for the Prince, and for himself, and then pray'd very fervently for the Remission of his past Sins, and Admittance into eternal Glory. And having given the Sign, the Executioner cut off his Head very barbarously.

Thus fell that great Minister of State, *Thomas Cromwell*, Earl of *Essex*, whose Rise was meerly owing to his Natural Parts, for as his Extraction was mean, so his Education was low, and all the Learning he had wa,s that he had got the New Testament in *Latin* by Heart: His great Wisdom and Dexterity in Business rais'd him thro' several Gradations to the highest which a Subject could attain to: 'Tis much to his Honour, it must be said, that he carry'd himself in his Grandeur, with wonderful Temper and Moderation, and fell under the weight of Popular Odium rather than Guilt: The Disorders committed in the suppressing the Abbeys were generally laid to his Charge, and yet, when he fell, no Bribery, no defrauding of the King could in particular be laid to his Charge, tho' such things appear usually in Swarms when there is any Grounds

Grounds for them. Having used the term *Catholick Faith* at his Death, many concluded him to be a *Papist*, but he was certainly a *Lutheran*, for that was the Expression then used in *England*, in Opposition to the Innovations of the Church of *Rome*; his praying also in *English*, and that only to God through Christ, without any of those Tricks which were used when any of that Church came to dye, shew'd he was not of their Number. As the Office of the King's Vicegerent in Ecclesiastical Affairs rose in the Person of *Cromwell*, so it dy'd with him; the Clergy not only opposing the Nomination of another to succeed him, whose Interest it must be to oppose a Reconciliation with *Rome*, but it seems none were so fond of an Office that had proved fatal to him who had first bore it. Whether the King lamented his Death when it was too late, is not very certain, but the Fall of the new Queen, and the Miseries that overtook the Duke of *Norfolk* and his Family some Years after, were look'd upon as Scourges from Heaven, for their cruel Persecution of this great but unfortunate Minister.

The History of the Attainder of Thomas Howard, *Duke of* Norfolk, *and the Tryal of his Son the Earl of* Surrey, *for Treason, in the last Year of* Henry VIII's *Reign*, Anno 1547.

THE Causes of the Fall of the Duke of *Norfolk* and his Son are so interwoven, that they cannot well be separated; our Historians generally agree that the Origin of the Duke of *Norfolk*'s Misfortunes proceeded from his own House and Family; his Dutchess *Elizabeth*, Daughter to *Edward Stafford*, Duke of *Buckingham*, beheaded, having for many Years entertain'd violent Jealousies of the Duke her Husband, it broke out at last into open Rancour and being not content to have surmiz'd long before two Articles against him, she in several Letters to the Lord Privy Seal, averred both the Articles, accused some of the Duke's Confidents, recited several Injuries pretended to have been received from them, and, in short, discovered all the usual Passions of her offended Sex.

Again, Things of this nature being started at a time that the jealous King was in the Decline of his Age, and disquieted with Scruples, least the Duke's Grandeur and Interest in future times might interrupt the Order of Succession, they were the more readily entertain'd; to

to which may be added ſome other unhappy Circumſtances, that his Dutcheſs had now for Four Years paſt liv'd ſeparately from him, that his Son, the Earl of *Surrey*, was but newly, and perhaps ſcarce thoroughly, reconcil'd to him; that his Daughter *Mary*, Dutcheſs of *Richmond*, was not only inclin'd to Proteſtaniſm, to which the Duke was averſe, but became an utter Enemy to her Brother.

Theſe inteſtine Animoſities were ſecretly fomented divers ways; among others, one Mrs. *Holland*, thought to be the Duke's Favourite, to preſerve her ſelf was not a little active in the matter; ſo alſo was the Earl of *Hertford*, who well knew no Body, after the King's Deceaſe, ſo capable to thwart him as the Duke, in the Honour he aſpired to of being *Protector*; nay, the King himſelf ſeem'd now openly to become a Party againſt him, it being obſerved, that he had not only withdrawn much of his uſual Favour from him, but alſo promis'd Impunity to ſuch as could diſcover any thing concerning him.

Sir *Richard Southwell* was the firſt that depoſed ſome things againſt the Earl, concerning his Infidelity to the King, upon which the Duke intereſting himſelf in his Son's behalf, they were both committed to the Tower: And here Mrs. *Holland* coming openly upon the Stage, depoſed, *That the Duke had told her, none of the King's Council lov'd him, becauſe they were not themſelves Noblemen born, as alſo becauſe he believed truly in the Sacrament of the Altar; that the King loved him not, becauſe he was too much belov'd in his own Country; but that he would follow his Father's Rule, which was,* That the leſs

others

others valued him, the more he would value himself: *That he had also complain'd, he was not of the Cabinet Council; that the King was grown so fat and unweildy, that he was convey'd up and down Stairs by a Device; that he was sickly and would not live long; and that the Kingdom, by reason of the diversity of Opinions, was like to be in an ill Condition; and that if he were a young Man, and the Kingdom in Tranquility, he would ask leave to see the Vernacle, which he said was Christ's Picture given to Women by himself, as he went to Die. As to his Arms, she had not heard the Duke say any thing of his own, but that he did not like his Sons', but that he had got them himself he knew not where, and therefore, that she should not take Pattern of his Sons Arms to work them with her Needle in his House.*

As for the Dutchess of *Richmond*, her Accusation was, *That the Duke her Father, would have had her Marry Sir* Thomas Seymour, *the Earl of* Hertford's *Brother, advising her at the same time so to ingratiate her self with the King, that she might the better Govern here, as others had done, which she rejected. That her Father would have had the Earl of* Surrey *to marry the Earl of* Hertford's *Daughter, which the other declined, as taking him to be his Enemy, and that this was the Reason of his Father's Displeasure against him. And that her Brother was so much incensed against the said Earl, that the Duke his Father said thereupon,* His Son would lose all he had gathered together.

Moreover, that the Earl her Brother should say, *These new Men loved no Nobility, and if God took the King away, they should smart for it*: That her Brother hated them all since his Con-

finement

finement in *Windſor-Caſtle*; but that her Father ſeem'd not to value their Ill-will, ſaying, *Truth ſhould bear him out.*

As to the Buſineſs of the Arms, ſhe ſaid, *That ſhe thought her Brother had more than Seven Rolls, and that there were ſome that he had added more of* Anjou *and of* Lancelott du Lac: *That her Father ſince the Attainder of the Duke of* Buckingham, *who bore the King's Arms, where the Arms of her Mother, that Duke's Daughter, were quartered in his Coat, had left a Blank, but that her Brother had reſumed them: Again, that inſtead of the Duke's Coronet, he put in his Arms a Cap of Purple Maintenance, with powdered Furr and a Crown, in her Judgment much like to a cloſe Crown; and underneath the Arms was a Cypher, which ſhe took to be the King's* H. R. *As alſo that her Father had never ſaid the King hated him, but his Council; but that her Brother ſaid the King was diſpleaſed with him, as he thought, for the loſs of the* Great Journay, *and that thoſe who hated him for ſetting up an Altar in the Church of* Bologue, *aggravated his Diſpleaſure againſt him; adding withal,* God prolong my Father's Life, for if he were Dead, they would ſoon have my Head. *That he ſpoke ill of ſome of the Privy Council, not forgetting the old Cardinal.* She alſo repeated ſome Paſſionate Expreſſions of the Earl, which tended to his Diſadvantage, but ſeem'd much to favour her Father's Innocence.

What Sir *Edmund Knevet* ſaid againſt the Earl, was ſtill more trifling than the Accuſation of the Dutcheſs, and would be ſufficiently Laught at in our Time, *viz.* That he knew no direct Untruth by him, but ſuſpected him of Vanity and Diſſimulation; that a Servant

vant of his had been in *Italy* with Cardinal *Pool*, and was taken into his Service again; that he had kept an *Italian* Jester, but reputed to be a Spy; that the Earl lov'd to Converse with Strangers, and to conform his Beheaviour to them, wherein he thought he had some ill Design.

It will be scarce worth while to mention the Information of *Thomas Pope* to the Council against the Duke; That *John Freeman* told him, the Duke at *Nottingham* in the time of the *Northern* Rebellion, should say before a Hundred Persons, *That the Act of Common Uses was the worst that ever was made*; that *Freeman* had affirmed those Words before the late Lord Chancellor *Audley*.

I need not plead the Duke's Merit in this Case in his Favour, tho' 'tis past all Dispute his Services were the most Important and Faithful, both at Home and Abroad, of any Subject of his Time: But we may rather deplore the Singularity, and I may say, Iniquity of that Prince's Reign, and Rejoyce in the Blessings of our own Times, wherein much more happy Regard is had to the Liberty of the Subject, and such trifling Accusations would be ridiculed and exploded against the meanest Subject of the Land. But so it was, that these Depositions being brought to the King's Judges at *Norwich*, they wrote to the Council, that the King's Sollicitor and Mr. *Stamford* had brought the Indictments, and that they were found true, and the Duke and his Son were indicted thereupon of High Treason; and haste was made to transfer the Indictment to *London*, where the brave Earl, being a Commoner

moner, was try'd at *Guild-Hall*, by a Common Jury, whoſe Names I can find no where Recorded.

In the mean time the King, tho' his Illneſs increaſed upon him, took care to order the Duke's Goods to be ſeized, and to get all the Informations that were any ways Material againſt him; neither did he forget to cauſe *Wriotheſley*, his Secretary, to notify to his Ambaſſadors in Foreign Courts, that the Duke of *Norfolk* and his Son, had conſpired to take upon them the Government of the King during his Life time, and after his Deceaſe to get the Prince into their Power, but that their Plots were diſcover'd, their Perſons were ſecured, and theſe Particulars were imparted to them, to prevent falſe Reports.

The Duke from his Confinement in the *Tower* wrote a very pathetick Letter to the King, and another in the Nature of a Petition to the Privy Council; but finding the King, tho' drawing near the Point of Death, and going to give an Account of all the cruel Actions of his Life, inexorable, he judged it moſt advisable to ſubmit; and drew up a Confeſſion of ſuch Things wherein really he was not fully guilty, a Practice not uncommon in thoſe boiſterous Times, and which yet, as things then ſtood, were not like to ſtand the Duke in any ſtead: Notwithſtanding this his Subminiſſion was backed with the Merits of his eminent Services, which in this and in ſome other Reigns have been made Crimes.

The Earl being a Nobleman of great Courage, and excellent Parts, made a very noble Defence; one while he demonſtrated the Falſity

ſity of the Accuſations, and much invalidated the Reputation of the Witneſſes, who often gave quite another turn to his Words from what they were when firſt delivered.

As to the Arms he bore, he alledged he had the Opinion of the Heralds, that he had a Right to them: Laſtly, when a Witneſs was brought againſt him *Viva Voce*, who pretended to report ſome big Words of the Earl's by way of Diſcourſe, which nearly touch'd him, and whereunto the ſame Perſon ſhould return a braving Anſwer; the Earl appealed only to the Jury and left them to Judge, whether it was probable that a Man ſhould talk in ſuch a manner to the Earl of *Surrey*, and he not ſtrike him: The brave Earl notwithſtanding all he could ſay, was bore down with the Torrent, and brought in guilty of the Indictment, and ſoon after, *viz.* on the 19th of *January*, loſt his Head upon *Tower-Hill*. This was generally condemned as an Act of high Injuſtice and Severity, and indeed loaded the *Seymours* with a popular Odium, which they could never overcome, and which ended even in a worſe Fate than that of the Duke and his Son, for both the Brothers periſhed by the Ax, as we ſhall ſhew by and by.

Our Hiſtorians generally talk of a Sentence of perpetual Impriſonment paſt on the Duke which, they ſay, would ſoon have ended in Death, if that of the King's had not prevented it. But the Buſineſs was indeed quite otherwiſe; for a Parliament was called under the Pretence of the Coronation of the Prince of *Wales*, but it was thought the true Reaſon was to Attaint the Duke of *Norfolk*, for which they

they had not colour enough to do it in a Tryal by his Peers; therefore, an Attainder by Act of Parliament was thought the surer and more effectual way; and so it was moved, That the King intending to Crown his Son, Prince of *Wales*, desired they would go on with all possible Expedition with the Attainder of the Duke of *Norfolk*; that so those Places which he held by Patent, might be disposed of by the King to such as he thought fit should assist at the Coronation: Good God! How precarious were Men's Lives in those Days, could there ever a slighter Pretence than this be made for attainting the greatest and most deserving Man in the Kingdom: But since no better could then be found, this Trifle was made to serve. The Bill of Attainder was read the first time in the House of Lords on the 18th of *January*, and on the 19th and 20th, read the second and third time, and so it passed the Lords House, and was sent down to the Commons; who on the 24th, so great was the dispatch, sent it up also passed to the Lords. The Debates, if any considerable ones there were, have by no Records nor printed Books, that I have been able to meet with, been transmitted down to our Time. The Lords on the 27th were ordered to be in their Robes, that the Royal Assent might be given to this cruel Bill, which Attainted so great a Man, altogether without being heard; but we know the Lord *Cromwell* was served so, and we know by whose means partly it was done: The Lord Chancellor, with some others joyned in Commission with him, by vertue of the King's Letters Patents, actually did it; and the

Judgment

Judgement had been certainly executed upon the Duke in two or three Days, if it had not been prevented by the King's Death, which happen'd on the 30th, and reserv'd the Duke for more merciful times.

There is a Tradition, which has constantly been handed down in that Illustrious Family, concerning the Narrowness of the Duke's Escape, which may be worth relating in this Place.

The Lieutenant of the *Tower* having the Day before receiv'd a Warrant for the Duke's Execution on the Morrow, and immediately going to give him Notice of it, that he might prepare himself as well as he could for Death upon so short a Warning: The Duke went to Bed that Night about his usual Hour, and Slept so well, that the Warder who attended, and was ordered to awake him at Five in the Morning, could not do it by knocking at his Door, and therefore having waited for about two Hours longer, and renewing his knocking as before without any Answer, he mistrusted the Duke might have made his Escape: But forcing his way in, he found him in his Bed and scarce awake with all the Noise he made. The Warden having excused himself for the Disturbance he gave him upon the Importance of the Work the Duke was to go thro' that Day, the Duke told him, He had dream'd that Night that the King was dead, and he was sure it was so, and desir'd him to go to the Lieutenant from him and acquaint him with it, and withal that the Warrant he had for his Execution was void: The unbelieving Warden obey'd upon

upon which the Lieutenant immediately repared to the Duke, and told him, *He would not have him, under thoſe ſad Circumſtances, flatter himſelf with hopes of Life, upon the Account of a ſilly Dream; that the King was in perfect Health, and not the leaſt Rumour in the Town of any Illneſs that attended him.* But the Duke perſiſting in his Aſſurance of the King's Death, at length prevailed ſo far upon the Lieutenant, as to get leave for a truſty Perſon to go to Court, and make inquiry into the Truth of it: The Meſſenger was very diligent, and being not ſatisfy'd with the firſt Anſwer he had, that there was nothing in the matter; he at length found out and apply'd himſelf to one, who was his particular Friend; and after ſome Heſitation and enjoyning him to the utmoſt Silence and Secreſy, gave him to underſtand that the King had departed this Life at ſuch an Hour in the Night, and the time, as near as could be gueſſed, exactly agreed with the Duke's Dream.

Returning with this Comfortable News to the *Tower*, and the Duke and Lieutenant both being ſoon after fully ſatisfied of the Truth of it, it ſaved the Duke's Life; nevertheleſs ſo powerful were his Enemies in the beginning of *Edward* VI's Reign, that all Perſons for all Crimes whatſoever were pardon'd, Six only excepted, of whom the Captive Duke was the chief: But happily ſurviving till the Acceſſion of Queen *Mary* to the Throne, and that Princeſs upon her Arrival in *London*, after ſhe had diſperſed her Enemies, going directly to the *Tower*, there the Duke of *Norfolk*, *Edward Courtney*, Son of the Marquis of *Exeter*,

executed in 1538. *Stephen Gardiner*, the deprived Bishop of *Winchester*, and the Dutchess Dowager of *Somerset*, whose Lord had been beheaded, as humble Suppliants, presented themselves before her on their Knees, who having raised them up one after another and saluted them, said, *They were her own Prisoners*; and ordered them to be immediately discharged.

The Duke having in this manner obtained his Liberty; his next Work was to procure an Act of Parliament to reverse his Attainder; the Patentees who had purchased some Parts of his Estate from the Crown, desired to be heard by their Counsel against it. But the Session of Parliament being near to an End, the Duke went into the House of Commons himself, and pressing them earnestly to pass the Bill, said, That the Difference between him and the Patentees were refered to Arbitrators, and if they could not agree, he would refer it to the Queen. It was argued a long time, and at last agreed to. It sets forth, That the Act by which the Duke was attainted had no special Matter in it, but only Treason in general, and a Pretence that out of the Parliament's Care for the King and his Son the Prince, it was necessary to attaint him. That the Reasons they pretended were his using Coats of Arms, which he and his Ancestors had and might lawfully use. It was farther said, tho' perhaps not exactly true, That the King dyed the next Night after the Commission was given for passing the Bill, and that it did not appear that the King had given his Assent to it; that the Commission was not signed

ſigned by the King's Hand, but only by his Stamp, and that that was put to the lower end, and not to the upper part of the Bill, which ſhews it was done in Diſorder, and that it did not appear, that thoſe Commiſſioned for it had given the Royal Aſſent to it, upon which Conſiderations that pretended Act was declared null and void, by the Common Laws of the Land.

It was farther declared, That the Law was and ever had been, that the Royal Aſſent ſhould be given either by the King in Perſon, or in his Abſence by a Commiſſion under the Great Seal, ſigned with his Hand and publickly notify'd to the Lords and Commons.

The Hiſtory of an interchangeable and doubtful Accuſation try'd by Combat, between Mr. Newton *and Mr.* Hamilton, *in the Reign of* Edward VI. Anno 1548.

HAVING before, beſides the Combat between *Anneſley* and *Katrington*, given the particulars of the Preparations for a ſolemn Combat at *Coventry*, between the Dukes of *Hereford* and *Norfolk* in the Reign of *Richard* II. and how the Controverſy between them was decided by the King and his Council without ſheding of Blood: It may not be unacceptable to give one Inſtance more of an Accuſation, that has been actually decided by Arms, beſides the above-mention'd, ſince indeed 'tis the only one I can meet with Particulars in all our Hiſtories. The Performance was within the Kingdom of *Scotland*, by two *Scotch* Men; but the Place being then in the Poſſeſſion of the *Engliſh*, the Combat was managed by the Authority, and with the Conſent and Appointment of the *Engliſh* General, the Lord *Grey*.

There had been a Contract made in the Reign of *Henry* VIII. of a Marriage to be conſummated between *Mary* the Young Queen of *Scots*, and the King's only Son *Edward*, Prince of *Wales*; which the *Scotch* refuſing to fulfil when the Young Prince came to the Throne, it occaſioned a very ſharp War between the two Nations, to the great Detri-

ment

ment of the *Scotch*, who loſt ſeveral ſtrong Holds; and among others, the Lord *Grey*, Lieutnant General of the *North* Parts, in the Second Year of King *Edward* VI's Reign, laid Siege to the Caſtle of *Yeſter*, and having with his Cannon made ſuch Breaches therein as were practicable, ſo that the Garriſon offered to Capitulate and Surrender the Place on Condition their Lives were ſaved; the *Engliſh* General freely agreed to the Propoſal, only he thought fit to except one Man, who during the Siege had ſpoke very diſreſpectful Things of the King of *England*. Now the Garriſon marching out of the Caſtle in their Shirts, and making their moſt humble Obeyſance as became them to the Lord *Grey*, he cauſed very ſtrict Search to be made for the baſe Railer, who was excepted from Pardon, and he was found to be one Mr. *Newton*, a Native of *Scotland*.

This Man finding the great Danger he was in, bethought himſelf of no other way to ſave his Life, than by throwing the Accuſation upon one Mr. *Hamilton*: Now theſe two Gentlemen charging each other with the Fact, the General could find no other way to decide it than by Combat, which they demanded, and the Lord *Grey* aſſenting thereunto, Judgment was pronounced to have it try'd; and this he was the more induced to agree to, becauſe all Perſons ſeem reſolute for the Deciſion of the Truth, as in a very juſt Cauſe, by the Loſs of their Lives, to gain an immortal Name, according to that line.

Mors ſpernenda viris, ut fama perennis alatur.

No time was lost in making due Preparation for this Combat; so that the Champions entered the Lists at the appointed time, which were erected for that end in the Market Place of *Hadington*; having only their Dublets and Hose on and arm'd with Sword, Buckler and Dagger: *Hamilton* at his first Entrance into the Lists, kneeling down, put up hearty Prayers to God Almighty, that he would be pleased to vindicate the Truth, and grant him Victory over his Enemy: And at the same time he made most solemn Protestations that he never spoke any such Words against the King of *England*, as his Adversary charged upon him. On the other side *Newton* seem'd as if he had been daunted with his false Accusation, and the Generality of the Spectators entertained an Opinion of his Guilt to his Prejudice. Be it as it will, both of them being ready, they fell briskly to it, and exchanged several fierce Blows: *Hamilton*, in the Opinion of all the People, seeming to rely upon his Innocence, laid stoutly about, and forced his Adversary to retreat almost to the end of the Lists; to which, if he had quite driven him, he had by the Law of Arms won the Victory. *Newton* finding himself thus upon the Point of being worsted, advanced again, and gave *Hamilton* such a great Gash in the Leg, that he was not able to stand any longer, but down he dropt, and *Newton* falling upon him, presently slew him with his Dagger.

There were several Gentlemen there present, who taking it for granted that *Newton* was the Offender, tho' Fortune had favoured him

him in the Combat, who would readily have ventured their Lives againſt him, Man for Man, if the General would have allowed it: But *Newton* laying claim to the Law of Arms, the Lord *Grey* not only gave him the Benefit of it, but alſo preſented him with his own Gown, beſides his own Back-Plate and a Gold Chain which he wore at that time. Thus, ſays the Hiſtorian, he was well rewarded, whatever his Deſerts might be: But he did not come off ſo, for riding afterwards on the Borders of both Kingdoms, he was there ſlain and cut in Pieces.

The History of the Tryal of Mrs. Arden, *and divers other Persons, for the Murder of Mr.* Arden, *her Husband, in the 5th Year of the Reign of* Edward VI. Anno 1551.

THomas *Arden* was but a private Gentleman, living at *Feversham* in the County of *Kent*; yet the Circumstance of his Murder, the Detection of it, and the Punishment of the Offenders, were so exceeding Remarkable, that it may very well have room allow'd in this Place. He was a tall and comely Person, and marry'd a Gentlewoman, who was also Tall, Young, well shap'd and every way Handsome; who having unhappily contracted an unlawful Familiarity with one *Mosbie*, a Taylor by Trade, and a black swarthy Fellow, and a Servant to the Lord *North*; it happned by some means or other that they fell out, and so continued at variance for some time: But she being desirous of a Reconciliaton, and to use her former Familiarity with him, sent him a Pair of Silver Dice by the Hands of one *Adam Fowle*, living at the *Flower-de-Luce* in *Feversham*, for a Present.

This brought them together again, so that *Mosbie* lay often in *Arden*'s House, and in some time the Intercourse between them was so open, that Mr. *Arden* could not but perceive it; but it was the common Report that he wink'd at it, for fear of disobliging her Relations,

lations, from whom he had ſome great Expectations. Having continued their leud Practices for a conſiderable time, the Woman doated more and more upon *Mosbie*, and began to loath her Husband extreamly; inſomuch that ſhe would have been glad to have found out a way to get rid of him. There was a Painter at *Feverſham*, who was reported to be vers'd in the villainous Act of Poiſoning; to him ſhe applys herſelf, and asked him, *Whether he had any Skill in that or not?* The Man ſeeming to own it; She told him, *She would have ſuch a Doſe prepared as would make a quick diſpatch. That I can do*, ſaid he; and ſo he preſently went to work, gave it her with Directions, to put it into the bottom of a Porringer, and ſo to power Milk upon it: But the Woman forgeting the Direction, put in the Milk firſt, and then the Poiſon. Now her Husband deſigning that Day to take his Horſe and ride to *Canterbury*, his Wife brought him his Breakfaſt, which was uſually Milk and Butter. Having taken a Spoonful or two of the Milk, and liking neither the Taſte nor Colour of it, he ſaid, *Mrs.* Alice, *what Sort of Milk is it you gave me?* Upon which ſhe threw down the Diſh, and ſaid, *I find nothing can pleaſe you*: Upon which he went away for *Canterbury*, and by the way purg'd and vomited extreamly, ſo that he eſcaped for that time.

Arden's Wife came afterwards acquainted with one *Green* of *Feverſham*, a Servant of Sir *Anthony Agers*; from which *Green*, *Arden* had wreſted a Piece of Ground, lying on the back ſide of the Abbey of *Feverſham*; about which ſome blows and many menacing Expreſſions had paſs'd between them; and therefore the

Woman

Woman knowing that *Green* hated her Husband, she began to concert her wicked Measures with him, how to make away with him. The Agreement at last was thus: That if they could procure any one to Murder her Husband, he should have Ten Pounds for his wicked Pains. Now *Green* having some Business to be transacted at *London* for his Master Sir *Anthony*, set out for that City where his Master then was; and having a Charge of Money about him, he desired one *Bradshaw* a Goldsmith of *Feversham*, and his Neighbour, to go with him as far as *Gravesend*, and he would satisfy him for his Trouble. When they had got as far as *Rainham-Down*, they happen'd to see three or four Fellows coming that way from *Leeds*, and drawing nearer *Bradshaw* discerned a Man coming up the Hill from *Rochester*, who was known by the Name *Black Will*, a terrible and cruel Ruffian, arm'd with a Sword and Buckler, and another with a huge Staff upon his Shoulder, and there upon said to *Green*, *Its our good Fortune to find some Company coming from* Leeds *after us, for there is coming up against us, as Murdering a Villain as any in* England; *and were it not for the other People, we should scarce be able to come off without the loss of our Lives and Money.* *Green*, as he afterwards confess'd, imagining that such an one as *Black Will* was fit for his purpose, asking the other, *Which is he?* *That's he*, quoth *Bradshaw, who has the Sword and Buckler; his Name is* Black Will. *How do you know that*, said *Green*. *Bradshaw* answer'd, *I knew him at* Bologn, *where he was a Soldier, and I was Sir* Richard Caverdish's *Man, and there he commited several Rob-*

beries

heries and horrid Murders, between the Paſſes of that Town and France.

By this time the Man firſt mention'd having over-taken them, they advanced all together, and met *Black Will* and his Companion: The Serving Men, for ſo they were, knowing *Black Will*, asked how he did, and whither he was going; he anſwer'd by his Blood, for he almoſt accented every Word with an Oath, *I know not, neither do I care, I'll ſet up my Stick, and go as it falls. Then*, ſaid they to him, *If you will go back with us to* Graveſend, *we will give you a Supper. By my Blood*, ſaid he, *I care not, I'll go along with you.* As they travelled on, *Black Will* claimed an Acquaintance with *Bradſhaw*, ſaying, *Friend* Bradſhaw, *how doſt thou do?* *Bradſhaw* having no mind to renew his Acquaintance, or to have any thing to do with ſuch a horrid Fellow, reply'd, *Why do you know me? Yes, that I do*, quoth he, *did we not Serve together at* Bologn? *I beg your Pardon*, ſaid *Bradſhaw, I have forgot you.*

Then *Green* enter'd into Diſcourſe with *Black Will*, and ſaid, *When you have Supped, come to my Quarters at ſuch a Sign, and I will give you ſome Sack and Sugar. By my Blood*, ſaid he, *I thank you.* Thither he went according to his Promiſe, and was well treated. Then *Green* and he went and talked together aſide from *Bradſhaw*, and the former propoſing to give the other Ten Pounds to kill Mr. *Arden*; he anſwer'd with a great Oath, *He would if he could not know him. I'll ſhew him to you too Morrow in* St. Paul's, ſaid *Green.* When they had done talking, *Green* bid him go into his Quarters, and wrote a Letter to Mrs. *Arden*, wherein, among others, he had theſe Expreſſions: *We have*

have got a Man for our Purpose, we may thank my Brother Bradshaw *for it.* *Bradshaw* knowing nothing of the matter, took the Letter, and went the next Morning and delivered it to Mrs. *Arden*, while *Green* and *Black Will* went with the Tide for *London*.

Green at the time appointed shew'd *Black Will* Mr. *Arden* walking in St. *Paul's*; upon which *Black Will* ask'd him, *Who is he that follows him? Marry*, said *Green*, *one of his Men. By my Blood*, quoth *Will*, *I'll kill them both. Nay*, said *Green*, *do not do that, for he is in the Secret. By my Blood, I care not for that, I will kill them both*, reply'd he: *By no means*, said *Green*. Then *Black Will* purposed to Murder Mr. *Arden* in *Paul's* Church-Yard, but there were so many Gentlemen went with him to Dinner, that he could not effect it. *Green* imparted the whole Discourse to *Arden's* Man, whose Name was *Michael*, and who ever after was affraid least *Black Will* should kill him. Now the Reason why *Michael* conspired with the rest against is Master was, because he should marry a Kinswoman of *Mosbie's*.

Now Mr. *Arden* taking up his Lodgings in a certain Parsonage House which he had in *London*, *Michael* and *Green* agreed, that *Black Will* should go thither in the Night time, where he should find the Doors left open for him to go in and Murder Mr. *Arden*. *Michael* having put his Master to Bed, left the Doors open according to Agreement, tho' Mr. *Arden* after he was in Bed, asked him if he had made them all fast, to which he answer'd, *Yes*. But afterwards growing affraid when he had got to Bed, least *Black Will* should kill him as well as his Master; he rose, shut the Doors

and

nd bolted them very faſt; inſomuch that hen *Black Will* came thither, and could find o Entrance, he returned in great Fury, that e ſhould be ſo diſappointed, and in that Mood e went next Day and found out *Green*, ſwear- ng and ſtaring like a Mad Man, and with many orrible Oaths and Execrations threatned to ill *Arden*'s Man firſt, where ever he met im. *Nay*, ſaid *Green*, *pray forbear that, let me rſt know the Reaſon why the Doors were ſhut.*

Green having found out *Arden*'s Man, and xpoſtulated the matter with him about his ot leaving the Doors open, according to his romiſe; *Michael*, who had framed his An- wer before, ſaid, *Marry I will tell you the Rea- n, my Maſter laſt Night did that which I never und him to do before; for after I was in Bed, e got up himſelf and ſhut the Doors, and chid me vetely in the Morning for my Careleſneſs in leav- g them open.* This pacified *Green* and *Black ill.* Now *Arden* having done his Buſineſs in *ondon*, and being ready to return Home, his lan went to *Green* and inform'd him his Maſter would go down that Night: Upon this ey agreed, that *Black Will* ſhould kill him *Rainham-Down.* When Mr. *Arden* had got *Rocheſter*, his Man growing apprehenſive at *Black Will* would Murder him as well as is Maſter, he pricked his Horſe on purpoſe, d made him go lame, that ſo he might pro- act the Time and ſtay behind. His Maſter ſerving the Lameneſs of his Horſe, and ask- g him the Reaſon of it; *Michael* craftily ſaid, *e did not know. Well*, quoth his Maſter, *When come at the Smith's Forge, which is between* Ro- eſter *and the Foot of the Hill over againſt* Cheet- , *let him take off his Shoe and ſearch, and then*

come

come after me. So that his Master rode on but before he came to the Place where *Black Will* lay in wait for him, he was overtaken by several Gentlemen of his Acquaintance, so that the Assassine failed here also to accomplish his bloody Design.

After Mr. *Arden* had got Home, he sent his Man, as he usually did, to the Isle of *Sheppy* to Sir *Thomas Cheney*, then Lord Warden of the *Cinque Ports*, about some Business, by whom Sir *Thomas* sent a Letter back to his Master; but when he came Home, his good Mistress took and concealed the Letter, and ordered the Fellow to tell his Master, that he had a Letter for him from Sir *Thomas Cheney*, but that he had unfortunately lost it; and added withal that he thought it would be his best way to go in the Morning himself to Sir *Thomas*'s, because he knew nothing of the Contents of it. Having resolv'd to do so, he order'd his Man to be up betimes in the Morning: In the mean while *Black Will* and one *George Shakebag*, his Companion, were, by *Green*'s Appointment, concealed in a Store-house of Sir *Anthony Agar* at *Preston*, to which Place Mrs. *Arden* went to see him, who brought and sent him Victuals and Drink several times: Wherefore lurking in that Place, and watching an Opportunity to put his villanous Purposes in Execution, he was charged very strictly to be up early in the Morning, to waylay Mr. *Arden* in a Broom Close, between *Feversham* and the Ferry, and there to Murder him. Now *Black Will* was up in the Morning betimes, but missing his way he tarry'd in a wrong Place.

Arden and his Man, early in the Morning riding towards *Shornlan*, where Sir *Thomas Ch*

ney lay; when they were come near the Broom Close, *Michael* who was ever affraid that *Black Will* would Murder him with his Master, pretended he had lost his Money Purse: *Why*, said his Master, *thou foolish Fellow, couldst thou take no more Care of thy Purse? How much was there in it?* *Three Pounds*, said he. *Go back you fool*, quoth his Master, *and look for it; its so early that there is no Body yet stiring, thou may be sure to find it, and so make haste and over-take me at the Ferry*: But *Arden* nevertheless escaped this time by Reason of the 'foremention'd mistake of *Black Will*, who thought he was sure of him in his return Home: But whether some of the Lord Warden's Servants attended him back to *Feversham*, or that he considered it was too late for him to go thro' the Broom Close, and so took another way, *Black Will* once more failed to execute his murdering Designs.

St. *Valentines* Day being near, the villainous Crew thought it a proper time to perpetrate their wicked Devices; *Mosbie* intended to pick some Quarrel or other with *Arden* at the Fair, and so Fight with him, saying, He could not find in his Heart to Murder a Gentleman in such a manner as his Wife would have it; tho' they had made mutual Promises to each other, to be altogether as Man and Wife, and had thereupon received the Sacrament at *London* openly together. But this Project of Quarrelling with Mr. *Arden* would not do, for tho' he had been often before and was then also highly provoked by *Mosbie*, he would not Fight. Now *Mosbie* had a Sister who lived in a Tenement of *Arden*'s near his House in *Feversham*, so that *Black Will* on the Eve of the

Fair

Fair was sent for to come thither, *Green* was the Man that brought him, and met Mrs. *Arden* accompany'd with *Michael* her Man and one of her Maids; there were also present *Mosbie* and *George Shakebag*, and here the Plot was laid to Murder *Arden* in the manner they afterwards perpetrated the horrid Fact.

Mosbie indeed at first would not consent to so base and cowardly an Act, but flung away in a Fury, and went up *Abby Street* towards the *Flower-de-Luce*, the House of *Adam Fowle*, whither he often resorted; but before he got thither, he was over-taken by a Messenger sent after him by Mrs. *Arden*, importuning him by all means to return to accomplish the Business he knew of, which he did accordingly: And then she fell down upon her Knees before him, and prest him to go thro' with the Business if he had any manner of Love for her, and as she had several times told him, he might be assured there was no Body that would be concerned at his Death, or make any search after them that dispatched him.

The Importunity of the wicked Woman at length prevailing, he was brought to a compliance with the accursed Project, and thereupon. *Black Will* was convey'd into Mr. *Arden*'s House, and hid in a Closet at the end of the Parlour, before which they had sent all the Servants out upon some Pretence or other except those who were privy and consenting to the villainous Design: *Mosbie* went and stood at the Door in a Silk Night Gown ty'd about him, between the Hour's of Six and Seven at Night; soon after which *Arden* who had been at a Neighbours House call'd *Dumpking*, and had clear'd some Accounts that were

were between them, went home, and finding *Mosbie* at the Door, ask'd him, *If it was not Supper-time? I think not* ſaid he, *I believe it's not yet ready. Then,* quoth Mr. *Arden, let us in the mean time go and play a Game at Tables,* and ſo going directly into the Parlour thro' the Hall, where his Wife was walking, Mr. *Arden* ſaid to her, *How now Mrs.* Alice? But ſhe made him little or no Anſwer: In the mean time the Wicket Door of the Entry was Chain'd by ſome Body, and when they had got into the Parlour, *Mosbie* ſate down on the Bench, facing the Cloſet wherein *Black Will* was hid; *Michael, Arden*'s Man, ſtood behind his Maſter with a Candle in his Hand, to ſhadow *Black Will*, that his Maſter might by no means perceive him come out of the Cloſet: In their Play *Mosbie* ſaid, and that ſeem'd to be the Signal for *Black Will* to come out, *Now, Sir, I can take you if I pleaſe. Take me,* ſaid *Arden, which way?* With that *Black Will* whip'd out of the Cloſet, and threw a Towel about his Neck, to ſtop his Breath and ſtrangle him; then *Mosbie* having a preſſing Iron, weighing fourteen Pounds, at his Girdle, ſtruck him ſo on the Head with it, that he knock'd him down, upon which he gave a great Groan, which made them believe he was kill'd.

From the Parlour they carry'd him away into the Compting-houſe, where as they were about to lay him down, the Pangs of Death came upon him, and groaning in a moſt grievous manner, he extended himſelf, and *Black Will* giving him a terrible Gaſh in the Face, he ſlew him outright; then he laid him along, took his Money out of his Pocket, and the

Rings off his Fingers, and coming out of the Compting-houſe, ſaid, *The Buſineſs is over, give me my Money*; upon which Mrs. *Arden* gave him Ten Pounds, and then he went to *Green*'s, had a Horſe of him, and ſo rode away.

After *Black Will* was gone, Mrs. *Arden* went into the Compting-houſe, and with a Knife ſtuck him ſeven or eight times in the Breaſt, then they cleaned the Parlour, wip'd away the Blood with a Clout, and ſtrew'd the Ruſhes which had been diſorder'd during the Struggle. The Clout and the bloody Knife wherewith ſhe had wounded her Husband, they threw into a Tub by the Wells ſide, where they were afterwards both found. This done, ſhe ſent for two *Londoners* then at *Feverſham* to come to Supper, to which they had been invited before the horrid Murder was committed: They were Grocers by Trade, and their Names were *Prune* and *Cole*, when they came, ſhe ſaid, *I wonder where Mr.* Arden *is? He will not ſtay long, come let us ſit down, he will be quickly with us.* Then *Mosbie*'s Siſter was ſent for, and ſate down with them, and they were all very merry.

When Supper was over, Mrs. *Arden* made her Daughter play on the Virginals, and they Danc'd, and ſhe amongſt them, and ſo ſeem'd to drill on the time till Mr. *Arden* came, his Wife ſaying, *I wonder he ſtays ſo long, come let us ſit down, he will ſurely ſoon be with us, let us in the mean time play a Game at Tables.* But the *Londoners* ſaid, *They muſt go to their Lodgings or elſe they ſhould be Lock'd out*, and ſo took their leave of the Company and departed. As ſoon as they were gone, the Servants who were not privy to the Murder, were ſent into the Town

Town, ſome to look for their Maſter, and others upon other Errands, all of them, except *Michael* and a Maid, *Mosbie*'s Siſter, and one of Mrs. *Arden*'s own Daughters. Then they took the dead Body, and carry'd it out into a Field adjoyning to the Church-Yard, and to his own Garden Wall, thro' which he went to Church. In the mean time it began to Snow, and when they came to the Garden Door, they had forgot the Key, ſo that one of them was ſent to fetch it; it was brought at laſt, and the Door being unlock'd, they convey'd the Corpſe into the Field about ten Paces from the Door of that Garden, and laid him down ſtrait on his Back, in his Night-gown and Slippers, between one of which and his Foot ſtuck a long Ruſh or two.

Having by this Management effectually ſecured themſelves, as they imagined, from all manner of Diſcovery, they returned the Same way into the Houſe, the Doors were opened and the Servants which had been ſent into the Town being come back, it was by this time grown very late: However the wicked Woman ſent her People out again in ſearch for their Maſter, directing them to go to ſuch Places where he moſtly frequented, but they could hear no manner of Tidings of him; then ſhe began to exclaim, and ſaid, *No Woman had ever ſuch Neighbours as ſhe*; and then wept like a Crocodile: This brought ſome of her Neighbours in, who found her very ſorrowful, and lamenting her Caſe, that ſhe could not find out what was become of her Husband. At laſt the Mayor of the Town and others, went upon the Search for him. Here we are to obſerve, that the Fair was wont to be kept

partly in the Town, and partly in the Abbey; but *Arden* procured it to be wholly kept in the Abby Ground, of which he had made a Purchase, and by this means being like to have all the Benefit of it, to the prejudice of the Town and Inhabitants, he was bitterly curſed for it. After they had ſearch'd other Places up and down, they came at length to the Ground where the dead Body was laid; where *Prune*, the *London* Grocer, above-mention'd, happening to ſpy it firſt, call'd to the reſt of the Company, who narrowly viewing the ſame, found it to be the Corpſe of *Arden*, and how it was wounded; they found the Ruſhes ſticking in his Slippers, and found ſome Foot-Steps of People in the Snow, between the Place where he lay and the Garden Door.

This adminiſtring great cauſe of Suſpicion, the Mayor order'd every Body to ſtand ſtill, and then appointed ſome of the Company to go about to the other ſide of the Houſe and to get in that way, and ſo thro' into the Garden, towards the Place; where, finding the Prints of People's Feet all along before them in the Snow, it appear'd very plain, that he was convey'd that way thro' the Garden into the Place where they had laid him.

The Mayor and the Company hereupon went into the Houſe, and being no Strangers to the Ill-conduct of Mrs. *Arden*, they very ſtrickly examined her about her Husband's Murder: But ſhe defying them, ſaid, *I would have you to know I am no ſuch Woman*. Then they examined her Servants, and having found ſome of his Hair and Blood near the Houſe in the way they carry'd him out, and alſo the bloody Knife ſhe had thruſt into his

Body

Body, and the Clout wherewith they had wiped off the Blood ſpilt in the Parlour; they urg'd theſe things ſo home, as Evidences againſt them, that they all confeſs'd the Murder, and ſhe herſelf beholding her Husband's Blood, cry'd out, *Oh! the Blood of God help me, for this Blood have I ſhed.*

Then they were all ſeized and ſent to Priſon preſently, upon which the Mayor, and the reſt that attended him, went to the *Flower-de-Luce*, where they found *Mosbie* Abed: They ſoon diſcovered ſome of the murdered Perſon's Blood upon his Stockings and Purſe, and when he ask'd them what they meant by coming in that manner, they ſaid, *You may eaſily ſee the Reaſon*; and ſhewing him the Blood on his Purſe and Hoſe, *theſe are our Evidences.* He thereupon confeſs'd the horrid Fact, and was commitred to Priſon, as well as all the reſt of the bloody Crew, except *Green*, *Black Will* and the Painter, which laſt as well as *George Shakebag* that had fled before, were never heard of after.

Some time after, the Aſſizes were held at *Feverſham*, where all the Priſoners were arraigned and condemned. There are no Parts extant, that I can poſſibly meet with of the formality of their Tryals; the Confeſſion they had made of the cruel Fact, could not admit much of it; only there was one unhappy Circumſtance which attended it, that an Innocent Man ſhould ſuffer with the Guilty; for Mrs. *Arden* accuſed *Bradſhaw*, upon the account of the Letter ſent by *Green* from *Gravend* about *Black Will*, as before related. All the Buſineſs was, that by the Deſcription *Bradſhaw* gave of *Black Will*'s Qualities, he judged

him to be a proper Instrument for the Perpetration of the intended Murder, to which as *Green* some Years after at his Death declared, he was no way privy: Nevertheless, the Man upon Mrs. *Arden*'s Accusation, was presently taken up and indicted as a Procurer of *Black Will* to Murder Mr. *Arden*. The Man made all the Defence he could for his Life, and desiring to see the Condemn'd Persons, he asked if they knew him, or ever had any Conversation with him, and they all said *No*: Then the Letter was produced and read. Here the Prisoner told the Court the very Truth of the matter, and upon what Occasion he had told *Green* what he said of *Black Will*, but it availed him nothing; condemned he was, and suffered Death for a Murder he had no manner of knowledge of, which he deny'd to the last.

As for the real bloody Criminals, they were executed in several Places; for *Michael*, Mr. *Arden*'s Man, was hang'd in Chains at *Feversham*, and one of the Maid Servants was burnt there, most bitterly lamenting her Condition, and loudly exclaiming against her Mistress, who had brought her to that deplorable End, for which she would never forgive her. *Mosbie*, and his Sister, were hang'd in *Smithfield* at *London*. As for Mrs. *Arden*, the Founder of all the Mischief, she was burnt at *Canterbury*. *Green* returned some Years after, was apprehended, try'd, condemn'd and hang'd in Chains in the High-way betwixt *Ospring* and *Boughton*, over-against *Feversham*. *Black Will* was burnt on a Scaffold at *Flushing* in *Zealand*: *Adam Foule*, who liv'd at the *Flower-de-Luce*

Luce in *Feversham*, was brought into Trouble about this unhappy Affair; he was carry'd up to *London* with his Legs ty'd under the Horse's Belly, and commited to the *Marshalsea*: The chief ground for this, was *Mosbie*'s saying, That had it not been for *Adam Foule*, he had not been brought into that Trouble, meaning the Silver Dice he had brought for a Token from Mrs. *Arden* to him; but when the matter was thoroughly searched into, and that *Mosbie* cleared him of any manner of Privicy to the Murder, he was at length discharged.

The History of the Attainder of Thomas, *Lord* Seymour, *of* Sudley, *for Treason in* 1549; *and the Tryal of his Brother* Edward, *Duke of* Somerset, *for Felony*, Anno. 1552.

THESE noble Persons were Brothers, whose Fate depended so much upon one another, and there is such a Concatenation in the History of their Misfortunes, that they could not well be separated, without obscuring it very much. They were Unkles of *Edward* VI. King of *England*; the first of them enjoy'd the Post of Lord High Admiral, the other was Protector of the King and Kingdom. The Duke being in the Zenith of his Glory, fell from that envy'd height of Grandeur and Prosperity, by quicker Steps than his Advancement had been; and that, as all Historians do agree, by the subtile Artifices of *John*, Earl of *Warwick*, and Duke of *Northumberland*, to make way for his own aspiring Designs, which yet ended in the like fatal and more unpittied Destruction.

The Duke of *Somerset*'s Brother, *Thomas*, Lord *Seymour* of *Sudley*, Lord High Admiral of *England*, is Characterized to have been a Nobleman of great Courage, courtly Behaviour, stately Personage, good Elocution, but empty of matter; both of them so well affected to the King, that the one might justly be term'd his Sword, and the other his Buckler. The Duke was most in favour with the People, the

the Lord *Sudley* moſt reſpected by the Nobility, and both of them highly eſteemed by the King: They were alike fortunate in their Advancements, and alike ruined by their own Vanity and Folly. While they held together, they were like two Arms, the one defended the other, and both of them the King their Nephew; but many were the Cauſes which contributed to their Ruine, the one was of a tractable and milde Diſpoſition, the other ſtiff and brooking no Superior. They were ſecretly envy'd by the Ancient Nobility, whom they eclipſed with their new Luſtre: As both of them were open-hearted, haſty and ſoon moved, ſo they were uncircumſpect and eaſier to be ruined; to which the haughty Pride and Vanity of a fooliſh Woman did mainly contribute.

The Lord *Sudly*, had marry'd the Lady *Catherine Parre*, Dowager to *Henry* VIII. a Woman endued with many excellent Vertues, and eſpecially with Humility: The Duke, on the contrary, had to his Second Wife, *Anne*, Daughter to Sir *Edward Stanhope* of *Shelford* in *Nottinghamſhire*, a Woman intollerably Proud, exceeding Subtile and Violent in accompliſhing her Ends, for which ſhe had no Regard either to Shame or Conſcience. Her firſt hatred was to the Queen Dowager, ſays Sir *John Hayward*, and no Body elſe except lying *Sanders*; becauſe ſhe had Precedency before her, and next to the Lord *Sudley*, for his Wife's Sake, who died in Child-bed; yet ſo inveterate was her Malice, that ſhe was continually beating it into the Duke's heavy Head, that his Brother being of a different Religion from his, uſed all his Devices to take away his Life, as well upon

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upon the Account of Religion, as perhaps to obtain his Place.

Having used all her Womanish Artifices to bring the Duke into a firm Belief of his Brother's Machinations against his Life, he gave into her, and the Earl of *Warwick*'s sly and wicked Suggestions from behind the Curtain, who was very well pleased her Passions should be gratify'd, so as the Duke might incur Hatred and Infamy. Wherefore the Lord *Sudley* was seized and sent Prisoner to the *Tower* on the 16th of *January* 1549.

Having in this manner fairly given the Substance of what Sir *John Hayward* says concerning the Duke of *Somerset*'s Conduct in respect to his Brother, which seems to be indeed nothing else but a Coppying after *Sanders*, an Author full of Lies and Calumnies. It's necessary we should for the Vindication of that good Duke take Notice, that tho' the Admiral was no Papist, as he suggests, he having before his Death commited the Care of his Daughter to the Dutchess of *Suffolk*, a Zealous Protestant, and desired the assistance of Mr. *Latimer* with his Council and Prayers at his last Hour; yet 'tis very certain he was an ill Man, of a turbulent Spirit, and full of ambitious Designs from the very beginning of the King's Reign, which being observed by the Duke his Brother, who was not that dull Head *Hayward* makes him to be, he by all fair means frequently advised, and earnestly dissuaded him from such dangerous Courses, pardoned what had past, and gratify'd his aspiring mind so far, as to grant him Estates, and the great Office of Lord High Admiral. Notwithstanding all which, he continued

tinued turbulent, raiſed Forces, and threatned *He would make the blackeſt Parliament that ever was in* England: Nay, he was ſuſpected to have Poiſon'd his Wife, that excellent Woman, Queen *Catherine*, that ſo he might make his Addreſſes to the Lady *Elizabeth* the King's Siſter, one of the Heirs to the Crown; ſo that in fine, the Parliament adjudged theſe Proceedings to have been a Traiterous Aſpiring to the Crown.

There were Three and Thirty Articles of High Treaſon and other Crimes exhibited againſt him, as they are entered in the Council Book, and they are theſe following:

I. *WHereas the Duke of* Somerſet *was made Governor of the King's Majeſty's Perſon, and Protector of all his Realm and Dominions and Subjects, to which you yourſelf did agree, and gave your Conſent in writing: Its objected and laid unto your Charge, that notwithſtanding this, you have attempted, and gone about by indirect means to undo this Order, and to get into your Hands the Government of the King's Majeſty, and to the great detriment of his Highneſs's Perſon, and the Subvertion of the State of the Realm.*

II. *It is objected, and laid to your Charge, that by corrupting with Gifts and fair Promiſes, divers of the Privy-Chamber, you went about to allure his Highneſs to condeſcend and agree to the ſame moſt heinous and perilous Purpoſes, to the great Danger of his Highneſs's Perſon, and to the Subvertion of the State of the Realm.*

III. *It is objected and laid to your Charge, that you wrote a Letter with your own Hand, which Letter*

Letter the King's Majesty should have subscribed, or transcribed from that Copy, to the Parliament House, and that you delivered the same to his Highness for that Intent, with which so written by his Highness, or subscribed, you had determined to go into the House of Commons yourself, and there with your Friends and Adherents, before prepared, to have made Broyls, Tumults and Uproars, to the great danger of the King's Majesty's Person, and to the Subversion of the State of the Realm.

IV. It's objected and laid to your Charge, that you yourself spoke to divers of the Council, and labour'd with divers of the Nobility of the Realm, to stick and adhere to you for the Alteration of the State, and order of the Realm, and to attain your own Purposes, to the danger of the King's Majesty's Person, now in his tender Years, and Subversion of the State of the Realm.

V. It's objected and laid to your Charge, that you did say openly and plainly, you would make the blackest Parliament that ever was in England.

VI. It's objected and laid to your Charge, that being sent for by Authority to answer to such Things as were thought fit to be reform'd in you, you refused to come; a very bad Example of Disobedience, and danger thereby of the Subversion of the State of the Realm.

VII. It's objected and laid to your Charge, that since the last Sessions of Parliament, notwithstanding much Clemency shew'd unto you, you have still continued in your former mischievous Purposes, and continually by yourself, and others, studied and laboured to put into the King's Majesty's Head and Mind,

Mind, a diſlike of the Government of the Realm, and of the Lord Protector's Actions, to the Danger of his Perſon, and the great Peril of the Realm.

VIII. *It's objected and laid to your Charge, that the King's Majeſty being of theſe tender Years, and yet by reaſon of his Youth unable to manage his own Affairs, you have gone about to inſtill into his Head, and as much as in you lies, perſwaded him to take upon himſelf the Adminiſtration of Publick Affairs, to the Danger of his Highneſs's Perſon, and great Peril of the whole Kingdom.*

IX. *It's objected and laid to your Charge, that you have corrupted ſome of the Privy Chamber with Money, to perſwade the King's Majeſty to have Confidence in you, and ſo to inſinuate your ſelf into his Favour, that when he wanted any thing, he ſhould have it of you and no other, to the Intent he ſhould diſlike the Management, and that you might the better, when you ſaw your Opportunity, uſe the King's Highneſs for an Inſtrument to this purpoſe, to the danger of his Royal Perſon, and Subverſion of the State of the Realm.*

X. *It's objected and laid to your Charge, that you promiſed the Marriage of the King's Majeſty's at your own Will and Pleaſure.*

XI. *It's objected and laid to your Charge, that you have labour'd and gone about to make a Combination and Confederacy with ſome Perſons, and ſpecially excited thoſe Noblemen whom you thought to be diſcontented, to retire into their reſpective Countries, and to ſtrengthen themſelves, and otherwiſe to allure them to ſerve your Purpoſes, to the danger*

danger of the King's Majesty's Person, and Peril of the State of the Realm.

XII. It's objected and laid to your Charge that you have devised and imagined to cause Divisions in the Realm, to set some of the Nobility at Variance with others of them, whom you thought might be an Impediment to your diveliſh Purposes, and so laboured to be strong in all your Devices, to the great danger of the King's Majesty's Person, and great Peril of the State of the Realm.

XIII. It's objected and laid to your Charge, that you had advised certain Persons, to endeavour to gain the Favour and Good-will of the Principal Yeomantry and leading Men in certain Countries, to the Intent that they might engage the Mob and Populace, when you thought it proper, to fall in with your Designs.

XIV. It's objected and laid to your Charge, that you have not only studied and imagined to have the command of a great number of People in your own Power, but that you have attempted to get, and have also got, divers Stewardships of Noblemen's Estates and their Mannors, in order to make your Party strong for your Purposes aforesaid, to the danger of the King's Majesty's Person, and the great Peril of the State of the Realm.

XV. It's objected and laid to your Charge, that you have retained young Gentlemen, and hired Yeomen in great multitudes, and far above such numbers as is allowed by the Laws and Statutes of the Realm, or were otherwise necessary or convenient for your Service, Post or Estate, in order to strengthen

hen yourself, for the compassing of all your evil Intents and Purposes.

XVI. It's objected and laid to your Charge, that u had so managed the matter, as to be able to ake up of your own Men, out of your Lands and ules and other your Adherents, 10000 Men; esides Friends, in order to the Advancement of ll your Intents and Purposes, to the great danger f the King's Majesty's Person, and the great Peril f the State of the Realm.

XVII. It's objected and laid to your Charge, that u had projected and concerted Methods for such ums of Money, as would Maintain the 10000 Men for a Month, and that you knew how and here to have the said Sum; and that you had given Notice to have, and prepare the same heap of Money in a Readiness, to the danger of the King's Majesty's Person, and great Peril to the State of the Realm.

XVIII. It's objected and laid to your Charge, that u have not only before you marry'd the Queen, ttempted and gone about to marry the King's Majesty's Sister, the Lady Elizabeth, second Inheritor, to the Reversion of the Crown, but also being en prevented by the Lord Protector and others of e Council, since that time, both during the Life ime of the Queen, continued your Endeavours that ay, and pursued your Amour, and after her Decase, by secret and cunning Devices, practised to ccomplish the said Designs of marrying the Lady lizabeth, to the danger of the King's Majesty's erson, and Peril of the State of the Realm.

XIX. It's

XIX. *It's objected and laid to your Charge, that you marry'd the late Queen, so soon after the King's Death, that if she had conceived presently after, it would have been a great doubt, whether the Child born, should have been accounted the late King's or yours: Upon which, great Dangers and Inconveniences might and was like to have ensued to the King's Majesty's Succession, and Peace of the Realm.*

XX. *It's objected and laid to your Charge, that you first marry'd the Queen privately, but dissembled and concealed the same; so that a good while after you had marry'd her, you sollicited the King's Majesty, and obtained a Letter of his own Hand writing, to excite and require the late Queen to marry you; and you likewise procured the Lord Protector to speak to the Queen in your Favour, and perswaded her to marry you. By which fallacious Practises, your evil Nature and Dissimulation may not only be known, but 'tis also to be fear'd that at this time you had an Intention to use the same Practises in respect to the marrying of the Lady* Elizaberh's *Grace.*

XXI. *It's objected and laid to your Charge, that you have not only, as far as lay in your Power, put a stop and been an Impediment to all such things, as either in Parliament or otherwise tended to the Advancement of the King's Majesty's Affairs, but have withdrawn yourself from the King's Service; and you have been spoke to and press for your own Honour and in consideration of your Abilities, to serve and promote the King's Majesty's Affairs, and the Lord Protector's, but you would always slink back pretending Excuses, and declare openly you would not do it.*

XXII. *Wherefore*

XXII. *Wherefore upon consideration of all the Premiſes with many more, the intention muſt be, that all theſe Preparations of Men and Money, the Attempt and ſecret Practices about the ſaid Marriage, the abuſing and perſwading the King's Majeſty to diſlike the Government, State and Order of the Realm as it now ſtands; and to aſſume the Adminiſtration himſelf, and to confide in you, was to no other End and Purpoſe, but that after having obtained a Pretenſion of Title to the Crown, and ſtrengthned your ſelf both by Sea and Land ſufficiently both with Men and Money, to have aſpir'd to the Royal Dignity by ſome Heinous Enterprize againſt the King's Majeſty's Perſon, to the Subvertion of the whole State of the Realm.*

XXIII. *Its objected and laid to your Charge, that you had not only got into your Hands, the ſtrong and dangerous Iſles of* Scilly, *which you bought of ſeveral Perſons, but that you did all that lay in your Power to have that of* Lundy *alſo; and under Pretence to have Victuall'd the Ships therewith, not only projected, but alſo ſollicited the Lord Protector and the whole Council, that you might, by Publick Authority, have that which by ſecret Fraud and Falſhood, and a Confederation with* Sharington, *you had got, that is, the Mint at* Briſtol *to be your own entirely, and only to ſerve your deſigns; projecting, in all Appearance, that in caſe theſe Traiterous Purpoſes had not the wiſh'd for Succeſs, you might yet convey thither a Maſs of Money, in which being aſſiſted by Shipping, and joyning in with Pirates at all ill Events, you might at all times have a ſure and ſafe Refuge, if any thing upon the Account of your Demerits ſhould be laid to your Charge.*

XXIV. *Its also objected and laid to your Charge, That knowing that Sir* William Sharington *had committed Treason, and otherwise wonderfully defrauded and deceived the King's Majesty, you have nevertheless, both by your self, getting Counsel for him, and all other ways you could devise, aided, assisted and supported him, contrary to your Duty and Allegiance to the King's Majesty, and the good Laws and Orders of the Realm.*

XXV. *Its objected and laid to your Charge, That though you ow'd Sir* William Sharington, *Knt. a great Sum of Money, yet to abet, sustein and palliate the Grand Cheating of the said* Sharington, *and to defraud the King's Majesty, you were not afraid to say and affirm before the Lord Protector and the Council, that the said* Sharington *did owe you a great Sum of Money, even* 2500 *Pounds and to combine with him in that Fraud, and to take a Note of such pretended Debt into your Hands from him.*

XXVI. *Its objected and laid to your Charge, That you by your self and Agents, have not only extorted and obtain'd large Sums of Money of all such Ships as should go to* Iland, *but also any other where to Traffick, contrary to the Liberty of the Realm, and to the great Discouragement and Decay of the Navigation thereof, to the great Danger of the King's Majesty and the State of the Realm.*

XXVII. *Its objected and laid to your Charge, That whereas divers Merchants, as well Foreigners as Natives, have had their Effects Stoln and Piratically taken from them, you have had their Goods in your Power and Custody, as has been daily seen in your House, and distributed amongst your Servants and*

and Friends, without any Reſtitution made to the Parties injur'd, inſomuch that Foreign Princes have, in a manner been weary of the King's Majeſty's Friendſhip, and made ſeveral Complaints by their Ambaſſadors upon that Account, to the great Diſreputation of the King's Majeſty, and Danger of the State of the Realm,

XXVIII. *Its objected and laid to your Charge, That whereas ſome Perſons have taken certain Pirates, you have not only deſpoil'd the Captors of the ſaid Pirates, of the Goods and Ships ſo taken, without any Reward, but have clapt the ſaid Captors into Priſon, for the good Services they have done the King's Majeſty, and there detained them long, ſome Eight Weeks, ſome more, ſome leſs, to the great Diſcouragement of ſuch as ſhould faithfully ſerve the King's Majeſty againſt his Pirates and Enemies.*

XXIX. *Its objected and laid to your Charge, That ſeveral of the chief Pirates being brought before you, you have let the ſame go again to Sea, and taken from the Captors of them, not only all their Commodity and Profit, but from the true Owners of the Ships and Goods, all ſuch as ever came into the Pirates Hands, as though you had Authority to be the Head Pirate, and to have all the Advantage they could bring you.*

XXX. *Its objected and laid to your Charge, That whereas Cognizance having been taken by the Lord Protector and the whole Council, of certain Goods Piratically taken away upon the Seas, and otherwiſe known not to be Wreck'd or Forfeited, ſhould be reſtor'd to the true Owners; and that Letters were thereupon ſent by the Lord Protector and Council about the ſame, to which you your ſelf ſet your*

Hand among the rest; you have nevertheless commanded your Officers, that no such Letters should be obey'd, and written privately to the contrary, forbidding the Restitution of the said Goods, and kept them for your own use and benefit, contrary to your own Hand-Writing in the Council Chamber, and to your Duty and Allegiance, and to the perilous Example of others, and great Scandal and Danger of the Realm.

XXXI. *Its objected and laid to your Charge, That whereas certain Strangers, who were Friends and Allies to the King's Majesty, had their Ships shatter'd in Storms, and yet came Unwreck'd to the Shoar, when the Lord Protector and Council wrote Letters for the Restitution of the said Goods, and that the Country should aid and assist in the saving of as much of the Goods as could be, you your self subscribing and consenting thereunto, you have nevertheless not only given contrary Orders to your Officers, but like a Pirate, wrote Letters to some of your Friends to give their Assistance, that as much of those Goods as possible, should be secretly convey'd further off in the Night time; in Hopes that if the same could once be secur'd, that the Owners would make no further Search after them, and so you might convert them to your own use, contrary to the Justice and Honour, and to the great Scandal of the Realm.*

XXXII. *Its objected and laid to your Charge, That you have not only disclos'd the King's Majesty's secret Council, but also, when you your self, among others, have confirm'd and agreed to certain things for the Advancement of the King's Affairs, you have spoke against and endeavour'd to prevent the Accomplishment of the same.*

XXXIII.

XXXIII. *Its farther objected and laid to your Charge, That your Deputy, Steward, and others of your Miniſters of the* Holt, *in the County of* Denbigh, *have, againſt* Chriſtmas *laſt paſt, made ſuch Proviſion of Wheat, Malt, Beeves, and other things neceſſary for the Support of a great number of Men, and have alſo amaſs'd all the Money that was poſſible to be got together, inſomuch, that the whole Country wonders at it, and the more, becauſe your Servants have ſpread falſe Reports,* That the King was dead; *for which Reaſon the Country is under great Apprehenſions, Doubts and Expectations of ſome Commotions, and would have been more ſo, if they had not now been ſtopp'd by your Apprehenſion.*

The Admiral was preſs'd by the Lords of the Privy Council, and that upon his Allegiance, to make Anſwer to theſe Articles; but he could never be perſwaded to it, only at laſt he made ſome Anſwer to the three firſt and no more, nor would he ſet his Hand to them. His Anſwer here follows,

In the firſt, he ſaid, *that about* Eaſter-tide *was Twelve-month, he ſaid to* Fowler, *as he ſuppos'd it was,* That if he might have the King in Cuſtody, as Mr. *Page* had, he would be glad, and that he thought a Man might bring him through the Gallery into his Chamber, and ſo to his Houſe: *But this, he ſaid, he ſpoke merrily, and meant no hurt, And that in the mean time after he had heard, and upon that ſearch'd for ſome Precedent that there were in* England *at the ſame time, a Protector, a Regent of* France, *and the Duke of* Exeter, *and the Biſhop of* Win-

chester, *Governors of the King's Person: He had some Intention to apply to the Parliament upon that Account, and that he had the Names of all the Lords, and mark'd those whom he thought might be for his purpose to work the Change; but coming afterwards to Converse with the Comptroller at* Ely *House, who reminded him of his assenting and subscribing his Name,* That the Lord Protector should be Governor of the King's Person, *he was asham'd of his Actions, and quite laid aside the Prosecution of his Designs that way.*

As to the second Article, he said he gave Money to two or three of them that were about the King; He own'd, he gave to Mr. Cheek *at* Christmas *was Twelve-month, when the King was at* Enfield, 40 *l. half of which he was to have for himself; the others was the King, to give it among his Servants, as his Majesty pleas'd. That Mr.* Cheek *was very loth to take it, nevertheless he would needs press it upon him, neither did he remember that ever he had given him any more since the King had been Crown'd* ——*That he gave Money at* New-Years-tide *to the Groom of the Chamber, but did not well remember how much.*—— *He said he gave Money to* Fowler *for the King, since the beginning of the Parliament now last at* London: *That the King had several times sent to him for Money, and that he had sent it.* —— *That when Mr.* Latimer *Preach'd before the King, his Majesty sent to him to know what he should give Mr.* Latimer; *that he sent him* 40 l. *by* Fowler, *with word,* That 20 *l.* was a good Reward for *Latimer*, and that he might distribute the rest among his Servants: *Whether he had given* Fowler *any Money for himself, he could not well remember.*

In

In reference to the Third, *He own'd he drew such a Bill indeed himself, and offer'd it to the King, or else to Mr.* Cheek, *he could not well tell; and before that, he said, he caused the King to be sounded by Mr.* Fowler, Whether he could not be content he should have the Government of him as Mr. *Stanhope* had? *That he knew not what Answer he had, but upon that he drew the Bill to that effect,* That his Majesty was content, *but what Answer he had to the Bill, he could not tell, Mr.* Cheek *could.*

In the mean time the Privy Council waited on the King, and the Chancellor having explain'd the matter as it stood to his Majesty, and withal deliver'd his Opinion, for leaving the whole Affair to the Parliament; every Privy Counsellor then spoke his own Sentiments, and all to the same purpose; and last of all the Protector, who protested, this was a most sorrowful Business to him, that he had used all the means in his Power to keep it from coming to this Extremity: But were it Son or Brother, he must prefer his Majesty's Safety before them, for he weigh'd his Allegiance more than his Blood, and that therefore he was not against the Request made by the other Lords, and said, *If he himself were guilty of such Offences, he should not think himwere worthy of Life, and the rather, because he was of all Men the most bound to his Majesty, and therefore he could not refuse Justice:* The King answered them in these Words, *We perceive there are great Things objected and laid to the Charge of my Lord Admiral my Unkle, and they tend to Treason, and we perceive that you require but Ju-*

stice to be done, we think it reasonable, and we will that you proceed according to your Request. These Words, as noted in the Council-Book, coming so suddenly from his Grace's Mouth, of his own Motion, as the Lords might well perceive, they wonderfully rejoyc'd at it, and gave the King most hearty Praises and Thanks.

The Lord *Sudley* being thus refractory as before related, and a Parliament then sitting, it was thought most advisable to proceed against him by way of Bill of Attainder, a practice the Peers had been so us'd to in *Henry* VIII's time, that they easily came into it: The Bill was on the 25*th* of *February* 1540 read the first time in the House of Lords; they gave it a second Reading the next Day, and a third on the 27*th*, which was a quick Dispatch, and concluded with the common Assent of all the Peers, only the Protector, *for Natural Pity's sake*, as 'tis in the Council-Book desir'd to withdraw. The Bill was sent down the same Day to the Commons, and at the same time their Lordships sent the Master of the Rolls, Sir *James Hale* and Serjeant *Molineux* down to the House, to declare to them the manner after which the Lords proceeded in that Affair; and further to declare, that in case the Commons were minded to proceed in like sort, certain Noblemen, who had given Evidence against the Lord Admiral, should be sent to them, to declare Personally and *Vive Voce* such things as in the mean time should appear to them under their Hands: The same Persons were sent again to the Commons on the 2*d* of *March*, in effect with the like Commission as before

before; the Commons answer'd, *They would take the Matter into Consideration, and would speedily send up their Resolution thereupon.* But no haste being made therein by the Commons, the Lords, after long waiting, concluded to adjourn, and desired the Lord Protector, *That he would be pleas'd to receive the Answer of the Commons, and report the same at their next Meeting, which would be the* Monday *following.*

By the Journal of the House of Commons it appears, that the Bill was read there the last Day of *February* the first time, and the 1st of *March* the next, and that on the 2d, the Master of the Rolls, Serjeant *Molineux*, and Serjeant *Hale*, the King's Sollicitor, were sent from the Lords, to know the Pleasure of that House, *Whether they would Pass the Bill of Attainder of the Admiral, in such order as the Lords had done it.* It was then resolv'd, *They would Answer by Messengers of their own, and that Evidence should be heard regularly, as it was before the Lords, and* Vive Voce, *and that this Answer should be deliver'd to the Lord Protector by the Speaker and other Members of that House that were of the Privy Council.*

The Truth of the Matter was, that the Commons were not for proceeding after such an Arbitrary manner, as the Lords, against the Admiral, many of the Members arguing against Attainders in Persons Absence, and they thought it an odd way, that some Peers should rise up in their Places in their own House, and give an Account of things to the Detriment of another, and that thereupon he should be Attainted; therefore it was press'd that it might be done by a Tryal, and that the

the Admiral should be brought to the Bar and allow'd to Plead for himself.

But on the 4*th* of *March*, the Master of the Rolls declar'd, that it was the King's Pleasure *That the Admiral's Presence was not necessary in the Court, and therefore he should not be there.* This was very hard, that a Man could not be heard, when his *All*, I mean his *Life*, was at Stake, and, God be thank'd, that we live to see better Days, not only that the accus'd Person shall Answer for himself, but have Counsel also to make his Defence; But to return, It was farther declar'd to the Commons, *That if the House would have the Lords come and give in their Evidence before them it should be done.* Upon which it was Order'd *That the Comptroller and others of the Privy Council, should hear the Lords, and require, if it were judg'd necessary, upon any further Message they might come down to the Commons.* The Bill for the Attainder of the Admiral was Read the third time, and pass'd on the 5*th*; a most cruel Practice, and scarce ever used since, unless a Person was in actual Rebellion, or had fled from Justice.

Being thus attainted unheard, there was in less than a Fortnight after, a Warrant Sign'd for his Execution, a Copy of which extracted from the same Authority as the Articles above-nam'd, may justly claim a Place here.

March 17.

'THis Day, the 17*th* of *March*, the Lord 'Chancellor, and the rest of the King's 'Council, meeting in his Highness his Pa-'lace at *Westminster*, heard the Report of the 'Bishop of *Ely*, who by the said Lords and 'others

others of the Council, were ſent to Inſtruct and Comfort the Lord Admiral, now attainted and condemn'd by the Parliament; they did condeſcend and agree, that the ſaid Lord Admiral ſhould be executed the *Wedneſday* next following, betwixt the Hours of Nine and Twelve in the Forenoon the ſame Day, upon *Tower-Hill:* His Body and Head to be bury'd within the *Tower* by the King's Writ (as in ſuch Caſes as heretofore hath been accuſtom'd) being firſt directed and put forth for that purpoſe and effect. Whereupon calling to the Council Chamber the Biſhop of *Ely*, they willed him to declare this their Determination to the ſaid Lord Admiral, and to inſtruct and teach him the beſt he could, to the quiet and patient Suffering of Juſtice, and to prepare himſelf to Almighty God.

E. Somerſet

. Cantuarien.	*William Paget*
. Rich, Chancel.	*Anthony Wingfield*
. St. John	*William Petre*
. Ruſſel	*A. Denny*
. Warwick	*Edward North*
. Shrewsbury	*R. Sadler.*
homas Southampton	

How culpable ſoever the Admiral might e, it's certain the Duke, his Brother, by his Proſecution, and I may ſay, unnatural ction, laid the Foundation Stone of his own uin: We may ſay of him as a great Man id to *Valentinian* III. who ask'd him, *What he ought of his putting* Ætius *to Death? That he ad cut off his Right Hand with his Left.* He began

began now to be generally hated by the People, many of the Nobility cry'd out against him for a Blood-sucker and a Murderer; all his other Actions underwent the most sinister Constructions and severest Censures; more particularly they exclaim'd much against him for pulling down a Church and two Bishops Palaces to build *Somerset-House*, and raised Reports of his Intentions, to pull down others to carry on that magnificent Structure which, perhaps, never entred into his Head.

The Crafty Earl of *Warwick* finding the Conjuncture very proper for him to play his Game, he engag'd no less than Eighteen of the Privy Council to joyn with him against the Duke; who withdrawing from Court, fell to secret Caballing, and walked up and down the Streets of *London* with many Servants and new Liveries. The Protector, who was of no such timerous Spirit as some represented him to be, wrote to them by Secretary *Petre*, in the King, his own and the other Lords Names that were with him; that they wonder'd at the manner of those Lords Proceedings, bent with Force and Violence to bring the King's Majesty and him into Extremities; but that if they would take no other way, he intended to defend the King and himself with extremity of Death, and to put all into God's Hands: But that if they sought no hurt to the King, as for other private Matters, to avoid Effusion of Christian Blood, and to preserve the King's Person, Realm and Subjects, they should find him agree to any reasonable Terms, and so he pray'd them to send their final Answer.

The

The Protector having in the mean time
500 Men in Arms, rampir'd the Court-
tes, caused more Troops to be rais'd, both
Letters and Proclamation, to come to the
ng's Assistance, whom he remov'd by Night
m *Hampton-Court* to *Windsor*, with a Reti-
e more resembling an Army, says *Hay-*
rd, than a Train. This increased the pre-
t Terrors, and the Lords at *London* laying
d of the Opportunity to possess themselves
the *Tower*, they sent for the Lord Mayor
Court of Aldermen to *Ely House*, where
Earl of *Warwick* Lodg'd, and there ap-
ring secretly Arm'd, they caused the Lord
ancellor *Rich* to make a Speech to them;
erein laying open the Personal Imperfecti-
s of the Protector, he very much aggra-
ted his Pride and Opinionativeness, in that
would hearken to no Counsel but that of
nischievous Woman, his Wife; he charg'd
n with being guilty of Bribery and Extor-
n, the Imbezzlement of the King's Jewels
Treasure; the Sales and Exchanges of
Crown Lands; of Offices and Prefer-
nts; Colledges and Chantries; erecting a
int for his own use; levying Subsidies un-
r Pretence of War; extorting Money by
ans, Non-Payment of the Soldiery and Ser-
nts; Expences in sumptuous Buildings;
deavours to put his Brother to Death, to
ke the *French* King his Friend, by betray-
the King's Forts to him beyond Sea; In-
tions to procure a Resignation of the King's
ter's Right to the Crown, and to Entail it
on his own Issue, and concluded with the
cessity there was to remove him from the
at Trust he had.

Having

Having in this manner prepared the Min of the Citizens to joyn in with them, in th Overthrow of the Protector; they endeavo red to do the same by the Lords at *Windso* in a Letter wrote to them the next Da wherein they laid a great many Irregularit to his Charge, requiring the disbanding of th Forces he had rais'd, his withdrawing fro the King, and submitting himself to Reaso and Justice.

The Protector did all he could to accomm date Matters with them by Secretary *Pet* whom he sent once more to *London*, and th failing, he wrote two Letters, one, in h own Name to the Earl of *Warwick*, his mo dangerous Enemy, and the other, from th Lords at *Windsor* to the Lords at *London*; both which he made such Complaints, Exp stulations, Intreaties and Acquiescences, were sufficient to inspire Courage into an Enemy once declar'd against him. Hereupo the Lords at *London* put out a Proclamatio wherein having charg'd all our Calamities an Misfortunes both at Home and Abroad, u on the Male-Administration of the Protecto they forbid all the Subjects in the King Name, any longer to obey him. Those th put their Names to this Proclamation, wer

The Lord *Rich*, Lord Chancellor.
Lord *St. John*, Lord Great Master, and President of the Council.
Marquis of *Northampton*,
Earl of *Arundel*.
Lord Chamberlain.
Earl of *Shrewsbury*.
Earl of *Southampton*.
Sir *Thomas Cheny* Treasurer of th King's Household.

ir *Thomas Page*, Conſtable of the *Tower*.
ir *Edward North*.
ir *Edward Mountague*, Chief Juſtice of the Common Pleas.
Sir *Ralph Sadler*.
Sir *John Baker*.
Sir *Edward Wooton*.
Dr. *Wooton*, Dean of *Canterbury*.
Sir *Richard Southwell*.

Having proceeded thus far, there was no oking back, and therefore they directed three etters to *Windſor*; one to the King, another to he Protector, and a third to the Houſhold; that o the Protector was guilded over with many nooth Expreſſions, fair Promiſes and Hopes, ut the other two were not ſparing in Inctives againſt him, and Inſtances of his Unneſs and Incapacity to Govern the Kingdom. ir *Robert Wingfield*, Captain of the Guard, was nt with them to *Windſor*, who repreſented latters to the King ſo artfully, that the Protor then preſent was remov'd from his erſon, and had a Guard put upon him, till ext Day, when the Lords from *London* were ppointed to be there. They came accordgly, but without the crafty Earl of *Warick*, though he was the main Engine that ſet l at Work: They complained to the King the miſchievous Government of the Protor, and that it would be ſafer for him to ve that Power veſted in many, than one lan. The young King was ſway'd with their uthority, and the Duke committed Priſoner *Beauchamp's* Tower within that Caſtle, om whence being convey'd to *London* next ay, he rode through *London* betwixt the arls of *Southampton* and *Huntington*, follow'd Three Hundred Lords and Gentlemen on orſeback, and being at *Soper-Lane* received by

by the Lord Mayor and his Officers, was con
ducted to the *Tower*.

Having breath'd here a short time, som
of the Lords of the Council were sent to him
who with utmost Dissimulation having mad
their Acknowledgements of former Favour
from him, and of the Services he had don
the Publick, artfully enough interlac'd som
Errors and Defects wherewith they seem'd t
Reproach him, and then laying certain Ar
ticles before him, as from the rest of th
Council, they desir'd to know forthwith
*Whether he would acknowledge them to be true, o
stand upon his Justification?* A very unfair wa
of Proceeding, for which Vengeance pursu
some of them afterwards, to their utmo
Confusion and Ruine. The Articles were thes

I. *THat he took upon him the Office of Pro
tector upon express Condition* That h
should do nothing in the King's Affairs, bu
by the Consent of the late King's Executor
or the Majority of them.

II. *That contrary to this Condition, he caused
failure of Justice, and subverted the Laws of
own Authority, as well by Letters as other Co
mands.*

III. *That he caused several Persons secured f
Treason, Murder, Manslaughter and Felony to
Discharg'd, contrary to the Laws and Statutes
the Realm.*

IV. *That he appointed Lieutenants for Armi
and other Officers for the weighty Affairs of the K
under his own Hand and Seal.*

V. Th

V. *That he had Conferences alone with Foreign Miniſters, about the weighty Affairs of the Kingdom.*

VI. *That he would brow-beat ſeveral of the Privy Council, for giving their Advice in reference to the Publick againſt his Opinion; telling them ſometimes,* They were not fit to ſit in Council, *at other times,* That he had no need to lay State Matters before them, and that if they did not concur with his Opinion, he would diſmiſs them.

VII. *That contrary to Law, he kept a Court of Requeſts in his own Houſe, forcing others to Anſwer there for their Real and Perſonal Eſtates, and decided the ſame.*

VIII. *That being no Officer without the Advice of the Council, or the Major part of them, he diſpos'd of the King's Bounty-Money, Granted Leaſes and Wards, gave away Biſhopricks, and ſold the King's Lands.*

IX. *That he commended Alchimy and Multiplication to be practis'd, and ſo debas'd the King's Coin.*

X. *That he ſeveral times ſaid openly,* The Nobility and Gentry were the only cauſe of Dearth, *which encourag'd the People to riſe, and intend to reform Matters themſelves.*

XI. *That contrary to the Opinion of the whole Council, he put out a Proclamation about Incloſures, which had caus'd ſeveral Inſurrections, whereby many of the King's Subjects were deſtroy'd.*

XII. *That he issu'd a Commission, with Articles annext, concerning Inclosures, High-ways, Cottages, and the like, impowering Commissioners to hear and determine those Causes, whereby the Laws and Statutes of the Realm were subverted, and many Rebellions rais'd.*

XIII. *That he suffer'd Rebels to Assemble and lie Arm'd in Camp against the Nobility and Gentry of the Kingdom, without speedy suppressing of them.*

XIV. *That he encouraged divers Rebels, by giving them Money, and promising them Fees, Rewards and Services.*

XV. *That he sent out a Proclamation against Law, and in favour of the Rebels,* That none of them should be su'd or molested for their Offences in their Rebellion.

XVI. *That he said in the time of Rebellion,* He approv'd of the Actions of the Rebels, and that Gentlemen's Avarice was the Cause of the People's Rising, and that it was better for them to Die, than to Perish or Want.

XVII. *That he said,* The Lords in Parliament were loath to reform the Business of Inclosures and other Matters, and therefore the People had good Reason to reform them themselves.

XVIII. *That after Declaration of the Defaults of Balonie, and the Pieces there, by such as did survive them, he would never amend the same.*

XIX. *That*

XIX. *That he would never ſuffer the King's Places of* Newhaven *and* Blackneſs *to be furniſh'd with Men and Proviſions, though he was inform'd of the Defects, and advis'd to it by the Council, which incouraged the* French *King to make Attempts upon them.*

XX. *That he would neither give Authority, nor ſuffer Noblemen and Gentlemen to ſuppreſs Rebels in due time, but wrote to them to uſe gentle means with them.*

XXI. *That upon the* 5th *of* October *that very Year, he at* Hampton-Court *for the Defence of his own private Cauſes, procured Seditious Bills to be written in counterfeit Hands, and ſecretly to be diſpers'd into ſeveral Parts of the Kingdom, beginning thus,* Good People, *with an Intention thereby to raiſe a Rebellion and open War.*

XXII. *That the Privy-Council having conſulted at* London *about coming to him, to deſire him to reform his Male-Adminiſtration, as ſoon as he heard it, he declared by his Letters in ſeveral Places,* That they were notorious Traytors for ſo doing.

XXIII. *That he falſely told the King, as well as the young Lords attending his Perſon,* That the Lords at *London* intended to deſtroy the King, and deſired him never to forget to Revenge it, *requiring the young Lords at the ſame time,* to put the King in mind of it, *with an Intent to cauſe Diſcord between the King and his Nobility.*

XXIV. *That he said at divers times, and in several places,* That the Lords of the Council at *London* intend to kill the King, but if I die, the King shall die, and if they famish me, they shall famish him.

XXV. *That he had of his own head removed the King so suddenly from* Hampton-Court, *without any due Provision made, that he was thereby not only put into great Fear, but thrown into a dangerous Distemper.*

XXVI. *That he by his Letters made the People draw together Arm'd in great Numbers, after a Warlike manner, to come to his Assistance and Defence.*

XXVII. *That he caused his Servants and Friends at* Hampton-Court *and* Windsor *to be furnish'd with Arms belonging to the King, while the King's Servants and Guards went Unarm'd.*

XXVIII. *That you caused at* Windsor *your own Person in the Night-time to be guarded in Harness by many Persons, leaving the King's Majesty's Person unguarded, and would not suffer the King's Guards and Servants to be next the King's Person, but appointed your Servants and Friends to keep the Gates.*

XXIX. *That he intended to fly to* Jersey *and* Wales, *and had provided Post-Horses, Men and a Vessel for that purpose.*

Tho'

Tho' it's not to be doubted, says Sir *John Hayward*, but that some of these Articles were a meer Forgery, that others were exaggerated and wrested, and some again disguised with odious Interpretations; yet he subscribed them, in Acknowledgement of his Offences contained in them, and humbly upon his Knees submitted himself to the King's Clemency; intreating the Lords at the same time to represent to the King, that his Crimes were rather the effects of Negligence, Rashness and other Indiscretions, than any malicious or treasonable Intentions; begging his Favour and Clemency to himself, Wife and Children, and not to proceed against him according to the Rigour of the Laws. To which Sir *John* adds, *To this I make no other Defence, but intreat the Reader not to Condemn him for Perishing so weakly, and for that he, who should have lost his Life to preserve his Honour, cast away both his Life and his Honour together.*

Whether it were out of Regard to the Affection the young King his Nephew, might still retain for the Duke, or any other motives, his Life was now spared; but they took effectual care to strip him of his great Offices of Protector, Treasurer and Earl Marshal, of all his Goods, and near Two Thousand Pounds a Year in Land.

Notwithstanding which he wrote to the Lords of the Council Letters full of Acknowledgements for their Favour, in bringing his Cause to an End; that he never had any Intention to contend with them, nor in any thing to justify himself, considering he was far from being the wisest of Men, and might easily err, and that it was scarce possible

for any Man in a great Station, so to compose himself, as that all his Actions in the Eyes of Justice should be Blameless; wherefore he wholly submitted to the King's Clemency and their Discretion for some Moderation; desiring them to believe, that his Errors proceeded rather from a Defect in Judgement than any Malicious Design: He concluded with humble Intreaties of Pardon and Favour, assuring them they should ever find him so Obedient to their Lordships, and Compliant with their Orders, as to make some Amends thereby for his former Follies: The Duke who had gone that Length to subscribe the Articles drawn up against him, how blameable soever he might be for it, yet was he infallibly in the Right, in making this Consequential Submission, where he soon found his Account; for the King was so pleased with it, that he had his Fines remitted, his Goods and Lands restor'd, except such as had already been given away, and his Pardon and Liberty granted him, yet so as that he should be limitted to stay at the King's House at *Sheen*, or his own at *Zion*, and not to go Four Miles from them, nor come to the King or Council unsent for. The Malice of his Enemies being either satiated with the Mortifications they had brought him under, or their Power was not yet sufficient to restrain the Favours now shewed him.

The King soon after entertained and feasted him with great Marks of his Royal Favour, and he was again admitted to be Member of the Privy Council; so that there seemed to have been an entire Reconcilation and Confidence between him and the Lords, and to cement it

t ſtill the faſter, there was a Match conclud-
ed between the Duke's Daughter and the
Lord *Liſle*, Son and Heir to the Earl of *War-*
wick, now made Lord High Admiral of *Eng-*
land: But alas, theſe ill cemented Affections
burſt out again next Year into open Enmity;
and the Duke of *Somerſet* being charged with
a deſign to Murder the Earl of *Warwick*, newly
created Duke of *Northumberland*, in his own
Lodgings, under the colour of a Viſit, the
haughty hopes of aſpiring to Abſolute Com-
mand, prompted *Northumberland* to make uſe
of all his wicked Artifices entirely to Ruine
him. Rumours were continually ſpread, that
Somerſet had cauſed himſelf to be proclaimed
King in ſeveral Countries, which, tho' known
to be falſe, yet left an ungrateful Reliſh be-
hind it: After which being charged with en-
deavouring to bring ſeveral of the Nobility
to chuſe him Protector again in the next
Parliament, his not confidently denying it,
but entangling himſelf in a dubious Story,
created ſtill the greater Suſpitions, and was
ſantamount to a Proof of the Accuſation
to his Enemies, who now wanted no Inſtru-
ments to compleat his Ruine.

There was one Sir *Thomas Palmer*, a great
creature of *Northumberland*'s, who charged
him with a Deſign to Murder the Duke of
Northumberland, the Marquis of *Northampton*
and the Earl of *Pembroke*, at a Banquet to
which they were to be invited, or in their
way thither if ſlenderly attended; declaring
further, That Sir *Ralph Vane* had 3000 Men
in Readineſs, that Sir *Thomas Arundel* had made
ure of the *Tower*, that *Seymour* and *Hammond*
ould wait upon him, and that all the Horſe

of the *Gens d'Arms* should be slain: To which Secretary *Cecil* added, That the Duke had sent for him and said, *That he suspected some ill Designs against him*; and that he reply'd, *If he were not in Fault, he might trust to his own Innocence; if he were, he had no more to say but to lament him.*

As soon as the Duke had Intelligence of those Informations, he immediately defy'd *Cecil* in a Letter, to stand to what he said; and *Palmer* upon his writing to him, deny'd all that he had alledged against him: But this did not serve the Duke's Turn, who must fall a Sacrifice to the Malice of *Northumberland* and the rest of his Enemies, and therefore going a few Days after to Court, he was apprehended, and the Day following his Dutchess was sent to the *Tower* unpitty'd. *Vane* fled, *Palmer* now stood his Accusation and made some Additions; *Crane's* Confession seem'd to corroborate *Palmer's* Charge against him, and he added, That the Lord *Paget's* House was the Place where the Nobility were to be invited to a Banquet, and to lose their Heads; and that the Business had been done, but that the Importance of the Enterprize occasioned Delays, and sometimes diversity of Opinions; but my Author adds, That this *Crane* having wasted his own Estate, was a Man of a desperate Fortune, and prepared for any Mischief. Things being thus prepared, the Tradegy was now to be acted: the unhappy Duke, after a short Confinement in the *Tower*, was brought to his Tryal at *Westminster*, the Marquis of *Winchester*, who had succeeded him in the great Office of Lord Treasurer, sitting as High Steward under the Canopy of State, on a Bench raised three Steps high-

higher than the reſt, and the other Peers to the Number of Twenty Seven ſat on the next to it. Their Names being theſe:

The Lord Marquis of *Wincheſter* High Steward.

Duke of *Suffolk.*	Lord *Bergavenny.*
Duke of *Northumberland.*	Lord *Wharton.*
	Lord *Euers.*
Marquis of *Northampton.*	Lord *Latimer.*
	Lord *Borroughs.*
Earl of *Derby.*	Lord *Zouch.*
Earl of *Bedford.*	Lord *Stafford.*
Earl of *Huntington.*	Lord *Wentworth.*
Earl of *Rutland.*	Lord *Darcy.*
Earl of *Bath.*	Lord *Sturton.*
Earl of *Suſſex.*	Lord *Windſor.*
Earl of *Worceſter.*	Lord *Cromwell.*
Earl of *Pembroke.*	Lord *Cobham.*
Lord Viſcount *Hereford.*	Lord *Bray.*

The Charge againſt the Duke conſiſted of five Parts. 1. *Of raiſing Men in the* North *Parts of the Kingdom.* 2. *Of drawing Men together to kill the Duke of* Northumberland. 3. *Of reſiſting his Attachment.* 4. *Of killing the* Gens d'Arms; and 5thly, *Of aſſaulting the Lords, and compaſſing their Deaths.*

It's very ſtrange that the Three Peers, the Duke of *Northumberland*, the Marquis of *Northampton*, and the Earl of *Pembroke*, who were his profeſs'd Enemies, and againſt the firſt of which it was pretended in the Indictment that he had conſpir'd, ſhould ſit his Judges; for tho' by the Law, no Peer can be challeng'd

challeng'd in a Tryal, yet the Law of Nations, which must be superior to all other Laws, makes a Man incapable of being a Judge in his own Case; and what was very unusual, the Lord Chancellor, tho' then a Peer, was left out of the Number: But 'tis likely a Reconciliation between him and the Duke of *Somerset* was suspected, and made him not to be called for to be one of the Judges.

The Duke having pleaded Not Guilty, and put himself upon the Tryal of his Peers, was, it seems, a little acquainted with the Law, and therefore did not desire Council to plead, or assist him in Points of Law. He deny'd that he had ever any Intent to raise Men in the *North*; but that upon some Apprehensions of Danger, he sent to Sir *William Herbert* to continue his Friend; that he never determined to kill the Duke of *Northumberland*, or any other Lord, but only spoke of it, and resolv'd to the contrary; adding, that it had been a mad undertaking with his Hundred Men, as *Palmer* deposed, to attack the *Gens d'Arms*, consisting of Nine hundred Men, and that if he had succeeded, it would have signify'd nothing, and therefore being an absurd and senceless Charge, might justly disparage the rest of the Evidence; that he never projected any Commotion at *London*, which he always looked upon as a Place of his best Security; and for having Men in his Chamber at *Greenwich*, as *Hammond* had inform'd them, it was manifest he meant no harm, because he did none, when it was in his Power. Moreover, he objected several things against the Persons whose Examination were read against him, desiring they might be brought Face to Face, which

hich could, continued he, be no unreaſona-
e Requeſt in a Perſon of his Fortune and
uality; nor indeed in any Man, tho' of the
eaneſt degree in the Kingdom, there being
thing that look'd more like an ill Deſign
an to deny one all neceſſary or lawful means,
r the Preſervation of his Life.

On the other Hand, the King's learned Coun-
l at Law, were very bitter in their Plead-
gs againſt him, and argu'd, that to levy
ar was certainly Treaſon; that to aſſemble
en with an Intention to kill Privy Coun-
llors was alſo Treaſon; that to have met a-
ut to reſiſt and hinder his being ſeiz'd, was
ſo Felony; and to Aſſault the Lords and
ntrive their Deaths, was Felony. It no
here appears, whether the Duke made any
efence in Law or not; for the material De-
nce is not accounted for in any of the Records
Hiſtories I have been able to meet with;
hich Defence was that theſe Conſpiracies and
awing together of the King's Subjects were
ly Treaſonable and Felonious, after they
d been required to diſperſe and refuſed to
ey: For ſo the Act which was made but
e laſt Parliament intends it, and ſays, That
Twelve Perſons ſhould be brought toge-
er to kill any Privy Counſellor, and not diſ-
rſe themſelves upon a Proclamation, it was
eaſon, or if ſuch Twelve ſhould by any
alicious Artifice be brought together for any
ot, and being warned, did not diſperſe, it
ould be Felony, without Benefit of Clergy
Sanctuary: It was evident this was not
ne.

It's never ſo much as alledged, no not in
Indictment it ſelf to have been done;

it's

it's very evident it was not, for if any Proclamation or Charge had been sent him, it's probable he would either have obey'd, or gone to *London* or the Country, and try what he could have done by Force; but to have refused such a Command, and so to have come within the Guilt of Treason, and yet not to stir from his House, are not things consistent. When the Peers withdrew, it seems the Proof about his design of an Insurrection in the *North* or the City, or of killing the *Gens d'Arms*, did not well go down with them; for all these beyond dispute, had been Treasonable, and therefore they dwelt only upon that Point of Conspiring to Imprison the Duke of *Northumberland*. Now if the Duke of *Somerset* with Twelve Men about him, had conspir'd to do that, and had continued together till after Proclamation against it, it was certainly Felony. The Duke of *Suffolk* was of Opinion, that no Contentions among private Subjects, should on any Account be screw'd up to be Treason. The subtile Duke of *Northumberland*, said, *He would never consent that any Practice against him should be reputed Treason:* But after a great diversity of Opinions, they all acquited him of Treason but the Majority found him Guilty of Felony.

When they returned the Duke not Guilty of Treason, the People express'd their Joy by very loud and repeated Acclamations, which lasted not long, when they heard they had brought him in Guilty of Felony, and as a Felon had Sentence of Death pass'd upon him. This done, he thank'd the Lords for their Favour, and ask'd Pardon of the Duke of *Northumberland*, the Marquis of *Northampton* and the Earl of *Pembroke*, for his ill Intentions

against

gainſt them deſiring his Life might be ſpared n Compaſſion to his Wife, Children and Ser- ants, and for the Payment of his Debts. Now whether this asking of the Lord's Pardon, mported a full Confeſſion of the Crime laid o his Charge, or only a Complement to them, hat they might not obſtruct his Pardon, is but meer matter of Conjecture: He confeſs'd e had talked about killing of them, and this nade it reaſonable enough for him to ask their ardon; ſo that it did not imply a Confeſ- ion of the Crime

Moſt People were of Opinion, that the Duke eing acquitted of Treaſon, and no Felonious ct done by him, but meerly intentional, and hat only of Impriſoning a Peer, proved, that ne ſo nearly related to the King in Blood, ould never be put to Death upon ſuch an Oc- aſion. But to prejudice the King againſt him, Story was brought and put by himſelf in- o his Journal, that at the Duke's coming to he *Tower*, he confeſs'd that he had hir'd one *artuile* to kill the Lords; that *Bartuile* him- lf own'd it, and that *Hammond* knew of it. But hether this was invented to alienate the ing's Affections from him, or whether it was ue, I know not how to determine: The for- er ſeems to be moſt likely; but ſuppoſing were true, it was Felony indeed in *Bar- ile*, if he was the King's Servant, but not the Duke who was a Peer. It's certain, ere was no Evidence at all of any Deſign kill the Duke of *Northumberland*, otherwiſe e Indictment had not been laid againſt him, it was only for deſigning to ſeize and im- iſon him, the Conſpiring to kill him not ing ſo much as mention'd in the Indict- ment;

ment; but it was maliciously given out t
possess the World and the King against him
The Duke of *Somerset* was indeed usin
means to have the King better inform'd an
dispos'd towards him, and engaged the Lor
Chancellor *Rich* to be his Friend, who there
upon sent him an Account of somewhat d
sign'd against him by the Council, and bein
in haste, Superscribed the Letter only, *For t*
Duke, and bid one of his Servants carry it
the *Tower*, without giving him particular D
rections to the Duke of *Somerset*: But his Se
vant being sensible of the Intimacies betwe
his Master and the Duke of *Norfolk*, still
Prisoner in the *Tower*, and knowing of no
between him and the other Duke, deliver
the Letter to the Duke of *Norfolk*. As soo
as the Chancellor at Night had found the u
happy Mistake, and that he was sure the Du
of *Norfolk*, to make *Northumberland* his Frien
would certainly discover him, he went i
mediately to the King, and desired to be d
charged of his Office, and thereby prevent t
Malice of his Enemies; and upon this he f
Sick, either pretendedly, to move the mo
Compassion for him, or perhaps the Frig
had really put him into a Fever, and the gr
Seal was put into the Hands of the Bishop
Ely.

But to return, the Power of the Fac
(for so I may call it) was then so gre
that the King was entirely beset with th
Creatures, and all imaginable Care was tak
to divert his Thoughts from the Duke,
well by Masquerades, Tiltings and other
times, as by Affairs of State: Neither w
they wanting to instill into him Notions

the Dangerousness of the Person, who had made away with his own Brother, and contrived the Death of the principal Noblemen of the Kingdom. *And where,* said they, *should this Mischief have ended? Would it have raged against all, and left the King only untouch'd? The Duke certainly having been always a cruel and false Man, there would have been no End of his ill Practices, therefore all his submission must be esteem'd Counterfeit and Hypocritical; but his Avarice and Ambition being once remov'd, the Way would be laid open to Vertue and Merit.*

The King giving way to these sly Insinuations, whatever Natural Affections he might retain for so near a Relation as an Unkle, yielded the Duke should suffer Death by being Beheaded, and Sir *John Hayward* summarily Characterizes him in this manner. *He was a Man little esteem'd either for Wisdom, Person and Courage, but being in favour with* Henry VIII. *and much employ'd by him, he was always observ'd to be both faithful and fortunate, as well in giving Advice, as in managing a Charge; that being Warden of the Marches against* Scotland, *the Invasion made by* James V. *was by his Direction disappointed at* Salmone-Moss, *where several of the* Scotch *Nobility were taken Prisoners; that he and the Earl of* Warwick, *with a handful of Men, fired* Leith *and* Edinburgh, *and made a leasurely Retreat of four and forty Miles thro' the Body of* Scotland; *that he invaded the* Scottish *Borders near* Tiviotdale *and the Marches, and very much wasted the Country without any loss; that being order'd to view the Fortifications upon the Marches of* Calais, *he afterwards with a Body only of Seven thousand* English, *forced an Army of One hundred and twenty thousand* French *to decamp from over*

over the River before Bologne, *with the loss of their Cannon, Carriages, Tents and Treasure, and not a Man of his own; and that in his Return from thence by Land to* Guisnes, *he took the Castle of* Outing, *commonly called the* Red-Pile, *within Cannon shot of* Ardre; *that in some time after he invaded and ravag'd* Picardy; *began the Forts of* Newhaven, Blackness *and* Bullingberge, *which he used so much Industry, that in a few Weeks they were made Tenable: That upon these and the like Successes, his succeeding Fortunes were ever esteem'd rather new than strange, and his Presence only was look'd upon as a sufficient Security for an Army: And yet all this did not puff him up with haughtiness of Temper or Contempt of others, but he continued Courteous and Affable, steering a Course between stiff Stubbornes and base Flattery, that was least subject to Envy, and never aspired higher than to be the second Person in the Kingdom; being harmless and faithful, never hatching any hopes prejudicial to the King, but always intended his Safety and Honour.*

Thus far Sir *John Hayward*, to which we may add from *Godwin*, that the Duke having since his Sentence, continued two Months in Prison, the violence of his Enemies, notwithstanding the tender Inclinations of the King to save him, brought him on the 24*th* of *January* 1552, to the Scaffold on *Tower-Hill*, where he address'd himself to the People with the Compellation of *Dearly beloved Friends*, and said, *That he was brought thither to suffer Death, tho' he never offended against the King either by Word or Deed; but had always been as faithful and true to the Kingdom as any Man; but forasmuch as he was by Law Condemn'd to Die, he acknowledg'd himself, as well as others, to be sin-*

ject thereunto, wherefore, to testify the Obedience which he ow'd to the Laws, he was come thither to suffer Death, whereunto he willingly offered himself, with hearty Thanks to Almighty God that had given him this time of Repentance, who might by sudden Death have taken away his Life, that he neither should have acknowledg'd God nor himself.

That there was yet somewhat he must put them in mind of, touching the Christian Religion, which so long as he was in Authority, he had always diligently set forth and further'd to his Power; and he did not repent him of his Doings, but rejoyced therein; since now the State of Religion came most near the Form and Order of the Primitive Church, which thing he esteem'd as a great Benefit given of God both unto them and him; and most heartily exhorted them all, that this which was most purely set forth unto them, they would with all thankfulness accept and embrace, and set the same forth in their Lives, which if they did not, undoubtedly greater Mischief and Calamity would ensue.

Then the Duke stop'd for some time, upon a certain Hurly-burly which happen'd among the People, and was partly occasion'd by Sir *Anthony Brown*'s coming and riding towards the Scaffold, by whom the People thought a Pardon was brought, but proving otherwise, the Duke proceeded and said; *There was no such Matter as they hop'd and believ'd; that so it seem'd good unto Almighty God, whose Ordinance it was meet and necessary we should all be obedient to; wherefore he pray'd them all to be quiet, and to be contented with his Death, which he most willingly suffer'd; then desired them to joyn in Prayer unto the Lord, for the Preservation of the King's Majesty, unto whom he had always hitherto shewed himself a most faithful and true Subject; that he had*

always been most diligent about his Majesty in his Affairs both at Home and Abroad, and no less diligent in promoting the common Welfare of the Kingdom. [At which Words all the People cry'd out, *It was most true.*] *That unto the King's Majesty he wish'd continual Health, with all Felicity and prosperous Success.* [Whereunto all the People cry'd out again, *Amen, Amen.*] *He wished moreover unto all his Counsellors, the Grace and Favour of God, whereby they might in all things rule uprightly with Justice, unto whom he exhorted them all in the Lord to shew themselves obedient, as it was their bounden Duty, under the Pain of Condemnation, and also most profitable for the Preservation and Safeguard of the King's Majesty.*

That forasmuch as heretofore he had oftentimes Affairs with divers Men (and hard it was to please every Body) therefore, if there were any that had been offended or injured by him, he most humbly required and asked their forgiveness, and especially Almighty God, whom throughout all his Life, he had most grievously offended; and all others, whosoever they were, that had offended him, he did with all his Heart forgive them.

Then once again, he required the People, that they would keep themselves quiet and still, least through their Tumult they might trouble him; for albeit the Spirit was willing and ready, the Flesh was frail and wavering; and that through their quietness he should be much more quiet himself; and he desired them all to bear him witness, that he died there in the Faith of Jesus Christ, desiring them likewise to help him with their Prayers, that he might persevere constant in the same to his Life's End.

It was thought necessary to give this Speech at large, because some Authors have omitted, and others added things which the Duke never spake

ſpake, and particularly Sir *John Hayward*, who nevertheleſs owns the Duke ſuffered with admirable Conſtancy; neither appearing by Voice, Geſture nor Countenance any way dejected, or concern'd at the Apprehenſion of Death.

That his Death was generally lamented, was manifeſt by the many Perſons that dipp'd Handkerchiefs in his Blood, which they kept as ſo many ſacred Reliques; among others, there was about two Years after, a ſprightly Dame, of a Temper (it ſeems) not ſo prone to Compaſſion as Revenge, who when the Duke of *Northumberland* was lead Priſoner thro' the City, for his oppoſition to Queen *Mary*'s coming to the Crown, ran to him in the Street, and ſhaking her bloody Handkerchief before him, ſaid, *Behold the Blood of that Worthy Man, the good Unkle of that excellent King, which being ſhed by thy treacherous Machinations, doth at this very time begin to Revenge it ſelf upon thee*———.

Finally, Dr. *Godwin* ſays, *As for the Life of the Duke of* Somerſet, *he was a pious juſt Man, very zealous in Point of Reformation, and very ſolliticous of the King's Safety, and the Good of the Publick; only a little tainted*, continues the Biſhop, *with the Epidemical Diſtemper of thoſe Times, who thought it Religion to reform the Church, as well in its Exuberancy of Wealth, as of Superſtitious Ceremonies, whereof not a few of our Cathedrals complain to this Day.*

I had almoſt forgot to obſerve, that ſome blam'd the Duke for being too apt to convert ſacred things to his own uſe; and becauſe a great part of his Eſtate was rais'd out of the ſpoils of many Churches, ſome late Writers

inferred from thence, that upon his not claiming the Benefit of his Clergy, he was thus forsaken of God in a way of just Judgment upon him; but in this they have betray'd their own Ignorance, for by the Statute, *That Felony of which he was found Guilty, was not to be purg'd by the Clergy.*

Edward, the Duke's Eldest Son by his second Wife, was in the first Year of Queen *Elizabeth* made a Baron, by the Title of Lord *Beauchamp*, and also Earl of *Hertford*, but his Eldest Son *Edward*, Lord *Beauchamp*, dying in his Life-time, as also *Edward*, his Grandson by him, the Honour descended to Sir *William Seymour* his second Son; who in 1640 was created Marquis of *Hertford*, and living till after the Restoration, the Attainder of his Great Grandfather was repealed by Act of Parliament, and he restored to the Title of Duke of *Somerset*, who being succeeded by his Grandson *William* (the Son of *Henry*) who dy'd unmarry'd, his Unkle *John* came to be Duke of *Somerset*; and he departing this Life without Issue, *Francis*, Grandson by his Son *Charles* to *Francis*, Lord *Seymour* of *Troubridge*, third Son to *Edward*, Lord *Beauchamp*, Son and Heir to *Edward*, Earl of *Hertford*, came to be Duke of *Somerset*, and was the Elder Brother of *Charles* the present Duke.

The Tryal of Sir Nicholas Throgmorton, *Knt. for Treason, in the First Year of the Reign of Queen* Mary, *at* Guildhall, London, Anno 1554. *before*

Sir *Thomas White*, Kt. Lord Mayor of *London*.
Earl of *Shrewsbury*.
Earl of *Derby*.
Sir *Thomas Bromley*, Kt. Lord Chief Justice of *England*.
Sir *Nicholas Hare*, Kt. Master of the Rolls.
Sir *Francis Englefield*, Kt. Master of the Court of Wards and Liveries.
Sir *Richard Southwell*, Kt. one of the Privy Council.
Sir *Roger Cholmley*, Kt. one of the Privy-Council.
Sir *Edward Waldgrave*, Kt. one of the Privy Council.
Sir *William Portman*, Kt: one of the Justices of the Queen's Bench.
Sir *Edward Sanders*, Kt. one of the Justices of the Common-Pleas.
Sergeant *Stamford* and Sergeant *Dier*.
Edward Griffin, Attorney General.
Mr. *Sendall* and Mr. *Peter Tichbourn*, Clerks of the Crown.

First, after Proclamation made, and the Commission read, *Thomas Bridges*, Esq; Lieutenant of the Tower, brought the Prisoner

to the Bar, then Silence was commanded, and *Sendall* said to the Prisoner as follows,

Sir Nicholas Throgmorton, *Kt. Hold up your Hand, you are Indicted of High Treason*, &c. *That you did then and there falsly and traiterously*, &c. *conspire and imagine the Death of the Queen's Majesty*, &c. *and falsly and traiterously levy'd War against the Queen, within her Realm*, &c. *and have adhered to the Queen's Enemies within her Realm, giving them Aid and Comfort*, &c. *and also have falsly and traiterously conspired and intended to depose and deprive the Queen of Her Royal State, and so finally destroy Her*, &c. *and you have also falsly and traiterously devised and concluded violently to take the Tower of* London, &c *of all which Treasons, and every of them, in manner and form*, &c. *Are you Guilty or not Guilty?*

May it please, said Sir *Nicholas*, *my Lords and Gentlemen, who by the Queen's Commission, are Authoriz'd to be my Judges this Day, to give me leave to speak a few Words, which concern both you and me, before I answer to the Indictment, and which are not altogether impertinent to the Subject Matter in hand, and then I will plead to the Indictment.*

Here *Bromley* interpos'd, saying, *The Method is not so, you must first plead* Guilty or Not Guilty.

If that be your Law and Method, quoth the Prisoner at the Bar, *you may Judge accordingly.* *You must first*, said *Hare*, *answer to the Matter wherewith you are charg'd, and then you may talk at your pleasure.* The Prisoner answer'd, *That things spoke out of due time and place, were as good as not spoke at all. These are but delays*, said *Bromley, to waste the time, and therefore you are required to answer as the Law directs.*

He

Here *Throgmorton* pray'd their Lordſhips not to make too much haſte with him, nor to think it long before their Dinner time came, for his Caſe required Deliberation; and they would not have well Din'd, without they truly adminiſtred Juſtice: Our Saviour ſaid, *Bleſſed are they who hunger and thirſt after Righteouſneſs.*

The Court ſeeming to take Diſguſt at his Expreſſions: *I can*, ſaid *Bromley*, *forbear my Dinner as well as you, Sir* Nicholas, *and perhaps care as little for it as your ſelf.* And the Earl of *Shrewsbury* at the ſame time expreſſing himſelf thus, *Do you come hither*, Throgmorton, *to check the Court? We will not be us'd ſo, no, no; for my own Part, I have gone without my Breakfaſt, Dinner and Supper to ſerve the Queen.* Sir *Nicholas* reply'd, *I know it very well, my Lord, I had no deſign to offend your Lordſhip, your Pains and Services are evidently known to every body.*

Then Sir *Richard Southwel* ſaid, *Sir* Nicholas, *there is no occaſion for this Diſcourſe; we know what we have to do; you pretend to teach us our Duty; you do your ſelf an Injury; come to the Matter in hand.*

Sir, you miſtake me, quoth Sir *Nicholas*, *I have no Thoughts of inſtructing you or any of you; but to put you in mind, I hope, of all you are well inform'd of; and therefore I ſhall ſay nothing upon a ſuppoſition*, That you know what you have to do, and ought to know; *and ſo I anſwer to the Indictment, and do plead* Not Guilty of the whole, or of any part of it.

Sendal. *How will you be try'd?*

Throgmorton. *Shall I be try'd as I would, or as I ſhould?*

Bromley. *You shall be try'd as the Law requires, and therefore you must be try'd by God and your Country.*

Is that your Law for me, said Sir *Nicholas*? *It is not as I would, but finding you will have it so, I am content, and desire to be try'd by just and honest Men, that fear God more than Man.*

The Names of the Jury.

Lucar.	*Low.*
Young.	*Whetstone.*
Martin	*Painter.*
Beswick.	*Banks.*
Barscarfield.	*Calthorp.*
Kightley.	*Cater.*

Then the Attorney General went immediately to Sir *Roger Chomley*, shew'd him the Pannel, telling him, *That being acquainted with the Citizens, he knew their Corruptions and Dexterities in Affairs of that Nature*, and named some of them who ought to be Challeng'd on the Queen's Behalf: This was look'd upon, and that most justly, to be foul Practice, and perhaps unexampled; and the rather, because the Men were known to be honest and substantial Citizens, against whom no Exception ought to be taken, unless it were upon the account of their Uprightness and Honesty, which indeed was the Case: Nevertheless Mr. Attorney whispering Sergeant *Dyer*, he peremptorily Challeng'd one *Baker* and another Citizen for the Queen: The Prisoner asked them, *The Reason of the Challenge*: To which the Sergeant answer'd, *We are not oblig'd to tell you the Cause of our Challenging any Men to*

beha

behalf of the Queen. Then the Jury was made up of two others, whoſe Names were *Whetſton* and *Lucar*.

The Priſoner obſerving, as I may well ſay, this Pervertion of Juſtice, told the Court, *He hoped they had not dealt with him that Day, as formerly he had known a Gentleman uſed, who ſtood in the ſame Place and Circumſtance as he did:* But ſo it was, that one of the Judges being ſuſpicious that the Priſoner, by reaſon of the Juſtice of his Cauſe, was like to be acquitted, ſaid to one of his Brethren, when the Jury appear'd; *I do not like this Jury, they are not for our purpoſe, they ſeem to have too much Compaſſion and Charity to condemn the Priſoner. No, no,* ſaid the other Judge, *Cholmley* by Name, *I'll warrant you they are Fellows pick'd on Purpoſe, but he ſhall drink of the ſame Cup with his Aſſociates: I was then a Spectator of the Pageantry, as others are now; but now, the more is my Misfortune, I am an Actor in that woeful Tragedy. Well as for thoſe and ſuch others like them, the Black Ox hath lately trod upon ſome of their Feet: But I hope I ſhall not be ſo ſerved.*

In the mean time *Cholmley* conſulted with the Attorney General about the Jury, which being obſerv'd by the Priſoner at the Bar, he ſaid, *Ah! Sir* Roger Cholmley, *will you never leave off this foul Play? Why, what hurt do I do, pray Sir* Nicholas? reply'd he, *I am ſure I did no hurt, do you pick Quarrels with me?* To which *Throgmorton* rejoyn'd, *If you do well, it will be the better for you, God help you.*

Then the Jury was Sworn, and Proclamation made, That whoever had any thing to give in Evidence againſt Sir *Nicholas Throgmorton*, Kt. they ſhould come in and be heard, for

for the Prisoner stood upon his Defence; whereupon Sergeant *Stamford* stood up in order to speak, but the Prisoner was beforehand with him, and said, *If it please you, Mr Sergeant, and the rest of the Queen's Learned Council in the Law, as I had a mind to say a few Words to the Persons who are in the Commission to Try me, to put them in Mind of their Duty in the Administration of Justice, and the Impartiality they ought to shew in reference to my self this Day; so with your leave, I think it expedient for me to say somewhat to you and the rest of the Queen's Council, who are appointed to bring Evidence against me; and tho' you, Mr. Sergeant, and the rest of them are here to be employ'd for that very End and Purpose against me, yet I desire you to remember, that I am not a Stranger but your Christian Brother, neither are you under any other Obligation but such as is agreeable to Justice; and in the performance of your Office, you are to have always in your view at the same time the Duty you owe to God. It's very just that you should make use of your Learning, Art and Eloquence, which God hath largely bestow'd upon you on this occasion, not so as that you ought to seduce the Minds of the well-meaning and unlearned Jurymen, to make them believe things to be otherwise than they are in reality: For, Mr. Serjeant, give me leave to tell you, that I am not ignorant how far by Perswasions, Inforcements, Presumptions, Applications, Implications, Conjectures, deduction of Arguments, wresting of Law, Circumstances, Depositions and Confessions, ignorant Men may be brought to believe and imagine, that such things as are indifferent, at the most but Over-sights, are heinous Treasons and Offences; so great is the Power of Oratory, and so much the Ignorance of illiterate Men: God Almighty, by the Mouth of his*

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Prophets, pronounces ſuch Advocates accurſed in theſe Words, Curſed be he that does his Office craftily, corruptly and maliciouſly: *I would have you alſo to conſider, that my Blood will be required at your Hands, and you and yours puniſh'd to the third and fourth Generation; notwithſtanding you that are of the Queen's Council and the Judges, never excuſe ſuch Male-Practices, when at any time afterwards they are call'd in Queſtion, and throw them upon the Verdict of the Jury; but be aſſur'd, your Purgation will be like that of* Pilate, *ſeeing you imbrue your Hands in Blood, as he did in Chriſt's.*

Then Sergeant *Stamford* took the Word, and ſaid, *My Lords, I do not doubt but moſt evidently and manifeſtly to make out, that* Throgmorton *is juſtly and deſervedly Indicted and Arraigned of the Treaſons laid to his Charge, and that he was a principal Deviſer, Contriver and Promoter of the late Rebellion, and that* Wiat *was but his Inſtrument therein: What do you ſay Sir* Nicholas Throgmorton? *Did you not ſend* Winter *to* Wiat *in* Kent, *and form a deſign to ſurprize the Tower of* London, *with other Inſtructions concerning Sir* Thomas Wiat's *Inſurrection and Rebellion?*

Pray give me leave, ſaid *Throgmorton, to anſwer theſe things which are laid to my Charge ſeparately one after another, for my Memory is bad, and much decay'd ſince my ſevere Impriſonment, for want of Sleep and other Inquietudes: I own I did ſay to* Winter, That I underſtood *Wiat* had a mind to ſpeak with him.

Stamford. *Yes, Sir, and you contrived together to ſeize the* Tower, *and to carry on your other Treaſonable Deſigns.*

Throgmorton. *I deny your Aſſertion; prove it.*

Stam-

Stamford. *Yes, Sir, you met* Winter *several times, and in several Places, and this will be clearly made out to you.*

Throgmorton. *Suppose it was so, this proves nothing of what is suggested in the Indictment.*

Here Sergeant *Stamford* read *Winter*'s Confession, which was to this effect: 'That '*Throgmorton* met *Winter* one Day in *Tower*-'*street*, and told him, Sir *Thomas Wiat* had a 'mind to speak with him; *Winter* asking 'where *Wiat* was? *Throgmorton* answer'd, at 'his House in *Kent*, not far from *Gelingham*, 'as I am inform'd, where the Ships lye; that 'they parted at that time, and that soon af-'ter *Throgmorton* met *Winter* again, and *Winter* 'told him, that Sir *Thomas Wiat* very much 'dislik'd the *Spaniards* coming into this King-'dom; that he was afraid they would be 'soon here, because he had daily Advice of 'it, and saw several of them arrive, but dis-'pers'd up and down like Soldiers; and that 'therefore he was of Opinion, the *Tower* of 'London should be surpriz'd by some Strata-'gem or other, before the Arrival of Prince 'Philip, least that should be deliver'd into the 'Hands of the *Spaniards*: *What do you say, Sir* 'Nicholas? That he answered, *I mislike it upon* 'various Accounts. *As I do indeed*, said *Win-*'ter. That at another time *Throgmorton* met 'the said *Winter* in St. *Paul*'s, having sent one 'for him to his House on purpose, and said 'to him, *You are Admiral of the Fleet now going* 'for Spain. *Yes, I am*, said *Winter*. Then 'Throgmorton ask'd, *When will your Ships be rea-*'dy? *Within ten Days*, said *Winter*. *Throgmorton* 'reply'd, *I understand you are appointed to Con-*'voy the *Lord Privy Seal over into* Spain, and

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ſeeing the danger there is from the French, *who were fitting out their Navy, as you ſay with all Expedition, I think you would do well to put my Lord and his Retinue aſhoar in the* Weſt Country, *to avoid all Dangers. Throgmorton* ſaid alſo, *That* Wiat *had alter'd his Deſign of ſeizing the* Tower. *Winter* ſaid, *He was glad of it: And as for the* French, *I'll ſo manage my Affairs, that I'll warrant you the Queen's Ships ſhall come to no danger.* It goes on thus: Another time I met Sir *Nicholas Throgmorton* when I came from the Emperor's Ambaſſadors, and told him, *That the Emperor had ſent me a fine Chain,* which I ſhew'd him; who ſaid, *You have Sold your Country for this Chain*; I reply'd, *Neither the Emperor nor* French *King can make me Sell my Country, but I will be a good* Engliſhman; and then they parted. Then Sergeant *Stamford* turning to the Jury, ſaid, *Gentlemen you have heard my Words confirm'd by* Winter's *Confeſſion*; *What do you ſay Sir* Nicholas, *do you deny this? If you will, you ſhall have* Winter *call'd to juſtify it to your Face.*

Throgmorton. *My Lords, Will you give me leave to deliver my Anſwer?*

Bromley. *Say what you have a mind.*

Throgmorton. *I can juſtly deny ſome part of this Confeſſion; but ſeeing there is nothing very material in it, and ſuppoſe the whole were true, what is there in theſe Depoſitions that can bring me within the compaſs of the Indictment.*

Here Sergeant *Stamford* telling him, *That it appear'd he was in Conſultation with* Wiat, *ſince he ſent* Winter *down to him, who declared ſeveral Traiterous Deſigns to him. Throgmorton* reply'd, *All this is Conjecture, but ſince you will put ſuch a malicious*

malicious Construction upon it, I will relate to you how I sent Winter *to* Wiat, *and then I pray you Gentlemen of the Jury, to judge better of the Matter than Mr. Sergeant does. I met a Servant of Sir* Thomas Wiat's *by accident, who asking me for* Winter, *and saying,* His Master would be very glad to speak with him, desired me without any more Words, if I saw him, to let him know his Master's Mind, and where he was; *and this is all that was done about sending* Winter *down to him.*

Then said the Attorney General, *Pray, Sir, What have you to say about taking the Tower of* London, *which is Treason?*

Throgmorton's Answer was, *That tho'* Wiat *might think it adviseable to attempt so dangerous an Enterprize, and that* Winter *had informed him of it, they could not impute* Wiat's *Conspiracies to him, nor make him guilty of Treason. For,* continued he, *is there any manner of Proof or Treason in this?* Wiat *would have taken the* Tower, ergo, Throgmorton *is a Traytor:* Winter *clears me even by his own Confession, as now read by Mr. Sergeant, tho' I were to say nothing in my own Defence, for* Winter *declares there, I did not like it at all; and because you may the more fully comprehend my Disapprobation of those Practices of* Wiat, *I said these Words to* Winter *when he acquainted me with it;* I think *Wiat* would willingly hurt no *Englishman* and this Enterprize cannot be carry'd on without Blood and Slaughter on both sides; for I know him who has the Custody of it, and his Brother also, they are both brave Men, one of them had a great Trust repos'd in him, I mean *Boulogn*, which was vigorously attack'd, and yet he bravely defended it in his time; I am

sure

ſure he will do the ſame here: Beſides, to contrive how to take the *Tower*, is very dangerous in Conſtruction of Law. *Theſe were my Words to* Winter; *neither is it at all likely that I of all Men ſhould fall into ſuch a Project againſt the Lieutenant of the* Tower, *whoſe Daughter my Brother had marry'd, and his Family and mine ally'd by ſeveral Inter-marriages within the Compaſs of a few Years.*

Hare. *What have you to ſay to this, that* Wiat *and you have had ſeveral Conferences together at* Warner's *Houſe and other Places?*

Throgmorton anſwer'd, *This is a very general Charge, to have Conferences together: But why was it not as lawful for me to confer with* Wiat, *as well as with you or any other Perſon? I then knew no more hurt by* Wiat *than any other Man; and to prove to you, that to talk with* Wiat *was a thing both lawful and indifferent, I ſaw my Lord of* Arundel *with other Noblemen and Gentlemen talk Familiarly with him in the Preſence Chamber.*

Hare. *But they did not Conſpire or Talk of any Inſurrections againſt the* Spaniards, *as you pretended and deſigned againſt the Queen; for you,* Crofts, Rogers *and* Warner, *ſeveral times in* Warner's *Houſe, conferred about your Traiterous Deſigns; or elſe what did you ſo often there?*

Throgmorton. *I confeſs I diſliked the Queen's Marriage with the Prince of* Spain, *and the coming of the* Spaniards *into this Kingdom; and I thought I had then Reaſon for it, and that indeed I learnt of you Sir* Nicholas Hare, *and Sir* Richard Southwel *and others in the Parliament Houſe, where it appear'd the whole Body of the Nation was againſt it; I being a Hearer, and no Speaker there, learnt my Diſlike of them, from the ſeveral Reaſons that were produced amongſt you againſt*

gainſt them: But as for any Commotion or Inſurrection againſt the Spaniards, *I never made nor procured any ever to be made: And as for reſorting ſo frequently to Mr.* Warner's *Houſe, it was not in order to confer with Sir* Thomas Wiat, *but to teſtify my Reſpects to my very good Lord, the Marquis of* Northampton, *who lodg'd there when he had his Liberty.*

Stamford. *Did not you, Sir* Nicholas, *tell* Winter, *That* Wiat *had altered his Mind about Surprizing the* Tower, *by which it plainly appears you were privy to his Deſigns.*

Throgmorton. *Truly I did not tell him ſo. Tho' I do not care if I gave you that Card to play, pray ſee what you can make of it.*

Stamford. *Nay, it proves you were privy to* Wiat's *Treaſons and Traiterous Contrivances, and that there was a Correſpondence from time to time carry'd on between you.*

Throgmorton reply'd, *Mr. Sergeant, doth this prove any thing againſt me, that I knew* Wiat *had repented of any ill Deſigns he had form'd? Is it a Sin to know of* Wiat's *Repentance? It can at moſt but be a venial Sin, and if any at all, it's no Mortal. But where is the Meſſenger or Meſſage ſent me by* Wiat *concerning the Alteration of his Mind; yet it was as lawful for me at that time to hear from* Wiat *as from any body elſe, in reſpect to any ill that I knew to be done by him.*

Dier. *My Lords, and you Gentlemen of the Jury, We have ſtill ſeveral things to produce, in order to prove that* Throgmorton *was a Principal Actor in this Rebellion; and among others there is* Crofts's *Confeſſion, who ſays,* That he and you, and your Accomplices, formerly confer'd about the whole Affair; that he communicated to you all his Deſigns, and that you gave him

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underſtand you would go into the *Weſt* with the Earl of *Devonſhire*, to Sir *Peter Carew*, with others along with you.

Throgmorton. *Mr.* Crofts *is ſtill living and is here this Day; how comes it to paſs that he is not brought Face to Face to juſtify this matter, and has not been all this while? Will you know the Truth? Either he did not ſay ſo, or he will not ſtand to it, but foully recant. And as for my knowing his Projects and Deſigns, I was ſo little acquainted with them, that I cannot name one of them, nor you neither, that are known to me.*

Here the Attorney-General asking Sir *Nicholas*, *Why did you adviſe* Winter *to land my Lord Privy-Seal in the* Weſt? He anſwer'd, *He that told you, it was my Opinion he ſhould put him Aſhore there, has partly given you the Reaſon of my ſaying ſo, were you minded to remember the one as well as the other; but becauſe you are ſo forgetful, I'll tell you how it was:* Winter *in my Converſation with him, having ſaid,* That as the *Spaniards* were making Preparation to Convoy their Prince over into *England*, ſo the *French* were providing a Force to intercept him in his Voyage; for they begun their Naval Armament, and, as he was inform'd, had already ſome Ships to the Weſtward. *To this I reply'd,* That perhaps the Queen's Ships under his Command would not only be in Danger, but alſo my Lord Privy-Seal and all his Retinue, the *French* being ſo well provided to meet them, and therefore to prevent the worſt, it would be adviſable you ſhould land my Lord in the *Weſt*, in caſe you ſaw Danger. *But what Treaſon is there in all this, tho' I ſhould not be able to give any Reaſons for my Actions?*

Now, Sir, said Sergeant *Stamford, we shall produce Proofs of your Treason you shall hear what* Cutbert Vaughan *says against you.* Then the Sergeant read *Vaughan*'s Confession to this Effect. *That* Vaughan *coming out of* Kent, *met* Throgmorton *at Mr.* Warner's *House, who after he had presented Sir* Thomas Wiat's *Service to him, desir'd to know where* Crofts *was*; Throgmorton *answer'd,* Either at *Arundel* House, where he Lodges, or *Paul*'s: *Then* Vaughan *desir'd to know how things went at* London, *saying,* Sir *Thomas Wiat* and we in *Kent* very much dislike the Marriage with the *Spaniard,* and the coming of the *Spaniards* hither upon several Accounts; nevertheless, if other Counties dislike them as much as *Kent,* they shall have but a sorry Welcome; *and so they parted. Soon after* Throgmorton *met* Vaughan *in St.* Paul's Church, *and told him together with several Circumstances,* That the Western Men were ready to advance; that Sir *Peter Carew* had sent to him just then, and that he had a good Troop of Horse and a Band of Foot. *Then* Vaughan *asked,* What the Earl of *Devonshire* would do: Throgmorton *answer'd,* He will spoil all, for he will not go from hence, and yet Sir *Peter Carew* will meet him with a Body of Horse and Foot by the way at *Andover* for his Security, and he should also be well attended from hence with other Gentlemen; and yet all this could not induce him to stir from hence: Moreover 'tis said the said Earl had discover'd the whole matter to the Chancellor, or else his Taylor has prattled about fitting up a Coat of Mail and making a Cloak. Throgmorton *shew'd him he had sent Post to Sir* Peter Carew *to advance*

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ſoon as poſſible with his whole Force; and Throgmorton *alſo adviſed* Vaughan *to ſtir up* Wiat *to come on with all his Power, for now was his time, for the* Londoners *would ſide with him, if the Buſineſs was laid before them*: Vaughan *ſaid alſo*, That *Throgmorton* and *Warner* were to have rid with the ſaid Earl Weſtward; *and farther depoſed*, That *Throgmorton*, when they were talking of the Earl of *Pembroke*, let him know that that Earl would not Fight againſt them, tho' he would not ſide with them. *Again*, Vaughan *ſaid*, That *Throgmorton* told him, he would ride down into *Berkſhire* to Sir *Francis Engleſield*'s Houſe, there to meet his eldeſt Brother, and perſwade him to take his Part. And this was the ſubſtance of *Cuthbert Vaughan*'s Confeſſion.

Stamford. *What do you ſay Sir* Nicholas? *Is not here Evidence enough to prove you a Principal, who not only gave order to Sir* Peter Carew *and his Adherents to carry on their Rebellious Deſigns in the* Weſt, *but alſo incited* Wiat *to Rebel, giving him and the others alſo Directions, when they ſhould enter upon their Enterprize, and how from time to time they ſhould regulate their Affairs: Beſides all which plain matter of Fact, you were particularly appointed to go away with the Earl of* Devonſhire, *as a Perſon who was to direct every thing and manage every Body; and therefore Sir* Nicholas, *ſeeing the thing is ſo clear, and the Evidence ſo poſitive, I would adviſe you to confeſs your Offences and ſubmit to the Queen's Mercy.*

Bromley. *What do you ſay, will you confeſs the matter? It will be beſt for you.*

Throgmorton. 'No, I never will accuſe myſelf unjuſtly, but ſince I am come hither to

'be try'd, I desire I may have all the favour 'the Law will allow me.

Attorney. *It's evident you lay in* London *as an Agent, to give Intelligence as well to them in the* West *as to* Wiat *in* Kent.

Throgmorton. 'How do you prove that? Is 'there any Body accuses me, but this con-'demn'd Criminal?

Attorney. *Why, will you deny the thing? You shall have* Vaughan *brought hither to justify his whole Confession before your Face.*

Throgmorton. 'There is no occasion for it, 'I know his Assurance, he has justify'd some 'of this false Conversation before now to my 'Face, and 'tis not unlikely, considering the 'Reward, but that he will do the same a-'gain.

Attorney. *My Lords, and you Gentlemen of the Jury, you have* Vaughan *here present to justify it before you, and to confirm it with an Oath.*

Throgmorton. 'He that has said and cry'd so 'much, will not hesitate in such a Case both 'to Swear and Lye.

Then *Cutbert Vaughan* was brought into the Court, and Mr. *Sendall* saying to him, *Is this your own Confession, and will you stand by every thing that is contained therein? Let me see,* said he, *and I will tell you:* When his Confession was shew'd him, and that the Attorney-General had said, *Because you Gentlemen of the Jury may the better give Credit to him, pray my Lords let* Vaughan *be Sworn.* Being Sworn accordingly to say nothing but the Truth.

Vaughan. *My Lords and Gentlemen, I could have been very well content to endure Seven Years Imprisonment; tho' I were* Reclus in Curia, *rather than I would this Day have given Evidence against*

againſt Sir Nicholas Throgmorton, *againſt whom I have no manner of Prejudice: But ſeeing I am oblig'd to Confeſs the Truth, I muſt own that what is writ therein is True: What ſay you Sir* Nicholas Throgmorton, *was there any Difference between you and me, that ſhould incite me to ſay any thing againſt you*

Throgmorton. 'None that I know of; tell me 'Vaughan, What Acquaintance was there be-'tween you and me, and what Tokens of 'Credentials have you brought me from *Wiat* 'or any Body elſe, that ſhould induce me 'to Truſt you?

Vaughan. *As for Acquaintance, I knew you as I did other Gentlemen; and for Credentials, I brought nothing more than Commendations from Sir* Thomas Wiat *to you, as I did to ſeveral others of his Acquaintance at* London.

Throgmorton. 'You might as well have forg'd 'the Recommendations as the reſt; but if 'you have done with *Vaughan*, my Lords, pray 'give me leave to Anſwer.

Bromley. *Speak and be ſhort.*

Throgmorton. 'I direct my Diſcourſe to all here preſent in general, but to you Gentlemen of my Jury in particular, touching the Credibility of *Vaughan*'s Depoſitions againſt me, who is a condemn'd Criminal: I pray you to obſerve the Circumſtance of things, as being material to induce you to entertain a right Notion of them: I deſire you in the firſt Place to remember the little Intimacy there was between him and me, according to his own Confeſſion; and that in order to obtain Credit with me, he brought neither a Letter nor Token from *Wiat* or any Body elſe to me, which he has

'also confess'd before you. Now I'll suppose '*Vaughan* to be under as good Circumstances 'as any Body here, I mean an uncondemned 'Person; I will leave it to your Judgement, 'Whether it was likely, that I who only 'knew *Vaughan*'s Person from another Man, 'without any more Acquaintance with him, 'would so freely discover my Mind to him, 'in an Affair of so dangerous a Consequence? 'How improbable, I say, is this to be true, 'when several Gentlemen, now in Custody, 'who were very intimate with me, could 'not lay any thing like it to my Charge; and 'yet upon their Examinations have said all 'they could of me? And tho' I do not pre-'tend to be a Wise Man, I am not so Rash and 'Inconsiderate, as to tell a Stranger, for so 'comparatively I may call him, such Things 'as would be so very dangerous for me to 'utter, and him to hear: But because my 'Innocence and his Falsity may the better ap-'pear to you, I will shew you the Inconsistence 'of his Evidence; and that I may the bet-'ter be believed, I appeal to you, Sir *Richard Southwell*, whether *Vaughan* when he first 'justified this his Accusation of me before the 'Lord *Paget* Lord Chancellor, yourself and 'others, did not refer to a Letter sent from 'him to Sir *Thomas Wiat* for a Confirmation 'of his evil Surmise against me, which Let-'ter has neither yet been produced, nor any 'Testimony of the said *Wiat* against me upon 'that Account; for I have no Reason to 'doubt, but Sir *Thomas Wiat* has been exa-'mined about me, and has said what he could, 'any manner of way, concerning me: *Vaughan* 'also says that young *Edward Wiat* could con-

'firm

'firm this matter, as one who knew of this 'pretended Converſation between *Vaughan* 'and me; and thereupon I requeſted that 'Mr. *Edward Wiat* might either be confronted 'with me, or otherwiſe examined.

Hereupon Sir *Richard Southwell* telling Sir *Nicholas*, *You miſtake the matter, for* Vaughan *ſaid*, That *Edward Wiat* knew ſome part of the matter, and was alſo privy to a Letter *Vaughan* ſent to Sir *Thomas Wiat*.

Throgmorton. 'Yes, Sir, that was *Vaughan*'s 'laſt ſhift, when I charged him before the 'Maſter of the Horſe and you, with his former Allegations touching his Evidence, 'which he ſaw would not anſwer as well as he 'imagined, and ſo he uſed this Alteration: But 'where are any of *Wiat*'s Depoſitions againſt 'me? It appears now that neither his firſt 'nor laſt Story are true; for you know Mr. *Bridges*, and ſo does my Lord your Brother, 'that I deſir'd twice or thrice that *Edward Wiat* ſhould be examined; and I am ſure, nay 'very ſure, he has been preſs'd to ſay what 'he could, and yet he depoſes nothing againſt me, in reference to any Letter or other Converſation. Again, Pray where is *Vaughan*'s Letter ſent to Sir *Thomas Wiat* concerning my Diſcourſe.

'I come now to *Vaughan*'s preſent Condition, as a condemn'd Criminal, whoſe Teſtimony is of no manner of Validity in Law; and becauſe a falſe Witneſs is mentioned in the Goſpel, hark, I pray, to what St. *Jerom* ſays in his Expoſition of that Place: The Queſtion is ask'd, *Why Chriſt's Accuſers who related Chriſt's Words, not as he ſpoke them, are called Falſe Witneſſes: They are Falſe Witneſſes,*

'said St. *Jerom*, *who add, alter, wrest, double Words or Speak with hopes to escape Death, or of Malice to procure another Man's Death, for every Body may justly enough conclude, that he cannot speak Truth of me, or in the Case of another Man's Life, wherein he has hopes to save his own by his Accusation.* So far St. *Jerom* on that Head. There are many Exceptions to be made against such Testimonies by the Civil Law; but because we are not governed by that Law, neither am I try'd by it, it would be needless to waste your time about it, and therefore you shall hear what your own Law says in the Case: There was a Statute made in the Reign of my late Sovereign Lord and Master, concerning Accusation, and these are the Words:

'*Be it enacted, that no Person nor Persons, &c. shall be indicted, arraign'd, condemn'd or convicted for any Offence of Treason, Petit-Treason, Misprision of Treason, for which the same Offender shall suffer any Pain of Death, Imprisonment, Loss or Forfeiture of his Goods, Lands, &c. unless the same Offender be accused by two sufficient and lawful Witnesses, or shall willingly without violence confess the same.* And also in the Sixth Year of his Reign it is thus ratify'd in the following Words:

'*That no Person nor Persons shall be indicted, arraigned, condemn'd, convicted or attainted of the Treasons or Offences aforesaid, or for any other Treasons that now be, or hereafter shall be, unless the same Offender or Offenders be thereof accused by two lawful or sufficient Witnesses, which at the time of the Arraignment of the Parties so accused, (if they be then living) shall be brought in Person before the said Party accused, and allow*

'*and*

'*and maintain what they have to ſay againſt the*
'*Party, to prove him guilty of the Treaſon or Offence*
'*contained in the Bill of Indictment laid againſt*
'*the Party arraigned, unleſs the ſaid Party ar-*
'*raigned ſhall be willing without violence to con-*
'*feſs the ſame.* Here I deſire you to obſerve,
'that our Law requires two lawful and ſuffi-
'cient Accuſers to be brought Face to Face,
'and *Vaughan* is but one, and an inſufficient and
'unlawful one; for who can be more unlaw-
'ful and inſufficient than a condemn'd Crimi-
'nal, and that ſuch an one who knows, that
'to accuſe one is the way to ſave his one Life?
'I deſire you to call to mind, how lately and
'how many times *Vaughan*'s Execution has
'been reſpited, and how frequently he has
'been conjur'd, which by the Divine Aſſiſtance
'he withſtood till the laſt Hour; but then
'perceiving there was no way to eſcape, but
'by charging me or ſome Body elſe wrong-
'fully, has moſt unjuſtly, and to his utter
'ſhame, redeem'd his Life, as you ſee here
'before you.

Hare. *Why ſhould he accuſe you more than any Body elſe, ſeeing there had been no Difference between you, if the Fact had not been true?*

'Becauſe he muſt either charge ſome Body
or ſuffer Death, and ſo he choſe rather to
injure him, whom he was leaſt acquainted
with, and had the leaſt Affection for, than
another well known to him, and whom he
lov'd moſt. But 'tis to you, Gentlemen of
my Jury, that I direct my Diſcourſe in a more
particular manner, and therefore I deſire
you to obſerve what I ſay. In a matter of
leſs moment than a Tryal for Life and E-
ſtate, a Man by Law may take Exceptions a-
gainſt

'gainſt ſuch as are impanell'd to try Cauſe
'between Man and Man; for Example,
'Man may Challenge upon Account that the
'Sheriff is his Enemy, and for that Reaſon
'has been partial in his Return; or in Caſe
'that one of the Jury is the Sherriff my Ad-
'verſary's Servant. Farther, if my Adver-
'ſary's Villain or Vaſſal be impanell'd, I may
'lawfully Challenge him, becauſe the Ad-
'verſary has Power over his Villain's Lands
'and Chattles, and the uſe of his Body for
'ſervile Offices; much more may I of right
'take Exceptions to *Vaughan*'s Teſtimony, my
'Life and all that I have depending there-
'upon; and the ſame *Vaughan* more bound
'to the Queen's Majeſty my Adverſary, Woe
'is me that it is thus! but ſo the Law does
'here term her, than any Villain is to his Lord
'for her Highneſs has not only Power over
'his Body, Lands and Chattles, but alſo over
'his Life.

Stamford. *Its true, Exceptions may be taken a-
gainſt the Jury in ſuch Caſes, but not againſt the
Witneſs or Accuſer; therefore your Argument will
ſtand you in little or no ſtead.*

Throgmorton. 'It's not ſo, for the uſe of
'the Jury and the Witneſs with the effect of
'their Actions ſerve to my purpoſe, as the
'Law ſhall diſcuſs it, thus I make my Com-
'pariſon. By the Civil Law the Judge paſſes
'Sentence according to the Depoſition of the
'Witneſs, and by your Law the Judge pro-
'nounces Sentence according to the Verdict
'of the Jury; ſo that the Effect is the ſame
'*viz.* a Tryal at Law to terminate the mat-
'ter, as well by the Depoſitions of the Wit-
'neſs, as by the Juries Verdict; they vary in

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Form and Circumstance; so *Vaughan*'s Testimony being believed, it may be the material Cause of my Conviction, the Jury being induced by his Depositions, to give their Verdict that way, and so the Judge finally to pass Sentence thereupon; and therefore I may use the same Exceptions against the Jury, or any of them, as the chief means that may occasion my being convicted.

Bromley. *Why do you deny the Truth of every art of* Vaughan's *Narrative too?*

Attorney. *You will find he will deny all, and say here was no such Converse between them.*

Throgmorton. 'I own some part of *Vaughan*'s Confession to be true, as the Name, Places, Time and somewhat of the matter.

Attorney. *So you Gentlemen of the Jury may observe that the Prisoner confesses some thing is true.*

Throgmorton. 'As to my sending to Sir *Peter Carew*, or he to me, or my Advice to Sir *Thomas Wiat* to rise or repair hither, or the Earl of *Devonshire*'s parting from hence and my going along with him, or the Business of the Earl of *Pembroke*, I solemnly declare that what *Vaughan* has said in reference to them, is all False.

Southwell. *As for my Lord of* Pembroke *you have no occasion to excuse him upon this Account, for he has kept himself clear of these things like a Nobleman, and this we all know.*

Hare. *What was the Conversation between you and* Vaughan, *which lasted so long in St.* Paul's, *things were not as they were represented, how came you to meet so often?*

Throgmorton. 'As to our frequent Meetings, they were not of Purpose, but by Accident, and since you would know what passed be-

'tween

'tween us in St. *Paul*'s Church; we talked o
the Inconveniences which would attend th
Queen's Marriage with the Prince of *Spai*
and how grievous the *Spaniards* would be t
us in *England*; and *Vaughan* said, *That it wou*
be very dangerous for any Man that sincerely pro
fess'd the Gospel to live here, such was the Cruelt
of the Spaniards, *and especially against Christian*
To which I answer'd, *It was God's Judgme*
justly come upon us, and that the Almighty dea
with us now as he had done with the Israelites
by removing their Pious Kings from them; s
their Ingratitude had sent Tyrants to Reign ove
them; thus he had dealt with us English-*Men*
who had a most pious and virtuous Prince to Reig
over us, my late Sovereign Lord and Maste
King Edward, *under whom we might both safel*
and legally profess God's Word, which we made u
of so unworthily, thro' our evil and irregular Pra
ctices and Demeanors, that he would send among u
to scourge us for our Faults, Foreigners to exerci
Tyranny over us, instead of the gentle Reign of th
virtuous and good King we have lost; for most,
not all, People of all Ranks colour'd their base Af
fections with a shew of Religion, and made the Gos
pel a stalking-horse for the accomplishing of thei
evil Passions. This was the Sum of our Dis
course in St. *Paul*'s Church.

Here *Stamford* took the matter up again
and said, *That it may the more evidently appear*
that Throgmorton *was a Principal Agent, and i*
the Secret of this Affair, we will produce you his ow
Confession under his Hand. Here the Clerk be
ginning to read, Sir *Nicholas* desir'd that *Stam*
ford might read, and the Jury to be very at
tentive to it. *Stamford* goes on thus: *That th*
Prisoner at the Bar had Conferences with Wiat
Carew

rew, Crofts, Rogers *and* Warner, *as well a-*
t the Queen's Marriage with the Prince of Spain
about the State of Religion, and particularly with
ry one of the 'fore-nam'd Perſons about the mat-
s juſt mention'd. Farther, that he had ſome Diſ-
rſe with Sir Thomas Wiat *about the Rumour*
t the People of the Weſt of England *very much*
liked the coming of the Spaniards *into this King-*
m, as alſo a Report that they intended to op-
e their Arrival, and of their having held a Coun-
about it at Exeter; *that* Wiat *ſaid*, Sir *Peter*
rew could not bring the Buſineſs to a good
ue; and that there was no Body ſo proper for
as the Earl of *Devonſhire*, eſpecially in the
eſtern Parts, ſeeing they did all draw one
y.

That then Throgmorton *ask'd*, How the *Ken-*
Men ſtood affected to the *Spaniards? That*
iat *anſwer'd*, The People ſufficiently diſlik'd
em, as now appears by the Arrival of Count
mont, for they were ready to be up in Arms
ainſt him and his Retinue, upon a Suppoſi-
n that he was the Prince; but, *ſaid* Wiat,
Robert Southwell, Mr. *Baker* and Mr. *Moile*,
th their Kindred and Allies, who have a
od Intereſt in ſome Parts of the Country,
ll out of other Malicious Views, hinder the
berty of their Country. *That then* Throg-
rton *ſhould ſay*, Tho' I know there has been
miſunderſtanding between Sir *Robert South-*
ll and you about a Money Affair, wherein
ave endeavour'd to reconcile you, I doubt
t but in ſo juſt a Cauſe as this is, he will fall
with you for the ſafety of his Country, and
you may be ſure of the Lord *Abergavenny*
d his Power: *That then* Wiat *ſaid*, We have
ſered about another Affair and not Mo-
ney,

ney, wherein he has used me and others very unfairly and unneighbourly; nevertheless he can do no otherwise to me, nor any Man else, and so I forgive him. *Again, that* Throgmorton *had a Conference with Sir* Peter Carew *about preventing the landing of the* Spaniards, *and preparing of Arms and Ammunition; that is, that Sir* Peter Carew *told* Throgmorton, That he believed his Countrymen would be good *English* Men, and would not submit to the Government of the *Spaniards*. *Farther, that Sir* Peter Carew *said*, That the *French* King was interested in this Affair, and he was of Opinion he would oppose the coming of the *Spaniards* into this Kingdom, with whom the said Sir Peter treated about Arms, Ammunition and Money.

That then Throgmorton *advised him to take heed least he should bring any* French *into the Kingdom in an Hostile manner, for he as little liked them in such a Case, as he did the* Spaniards; *also thought the* French *King was not in a Condition to assist us, by reason of the heavy burden which lies upon him, on the Account of his own Wars.* Sir Peter Carew *said*, As to the bringing in of the *French*, he had no such Intentions, for he loved neither Party; but his Design was to save his own Country and to redeem it from Slavery, *declaring farther to* Throgmorton, That he had a small Bark of his own to use as he had occasion, *and said*, That he shortly designed to return to his own Country, in order to try the Inclinations of his Country Men. Throgmorton *farther said*, He would for his part prevent the coming of the *Spaniards* as much as ever he could by way of Argument, that he lamented his own Condition to

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ichard Warner, and the Tyranny of the Times, reſpect to a great many good People on he Account of Religion and wiſhed it were low'd that People of either Religion might ve ſafely and unmoleſted according to the Dictates of their own Conſciences; for Law, *ex officio*, will be intollerable; and the Diſcipline f the Clergy, may now be rather compared *Turkiſh* Tyranny, than *Chriſtian* Inſtruction.

This was the ſum of the 'forementioned Confſion, and brought for a ſevere Charge againſt e Priſoner, who ſpoke thus: 'Mr. Sergeant, ſince you have read and collected thoſe paſſages, which you think make up moſt againſt me, pray take the pains and read farther, ſo that whatever may hereafter become of me, my Words may not be preverted and abuſed to the Detriment of other People, and eſpecially of thoſe great Perſons, about whom, as appears by my Anſwers, I have been divers times examined; for I perceive that the Net was not caſt only for ſmall Fiſhes, but alſo for great ones. *uxta Adagium.*

Stamford. *It will be but loſs of time, and we have er things to lay to your Charge, and what you de- makes nothing for you.*

Dier. *For a fuller Confirmation of all the Treas laid to the Priſoner's Charge, and in order to ve him Guilty, you Gentlemen of the Jury ſhall r the Duke of* Suffolk's *Depoſitions read againſt ; which Duke was a Principal in the matter, has ſuffer'd accordingly.* Then the Sergeant d, and the ſubſtance of what the Duke had n'd was, *That the Lord* Thomas Grey *had in- m'd him, that Sir* Nicholas Throgmorton *was*

privy

privy to the whole Design against the Spaniards, *and was one of those who would go into the* West *with the Earl of* Devonshire.

Here the Prisoner ask'd the Court, 'What 'the Principal Man in that Affair said against 'him, I mean, *said he*, the Lord *Thomas Grey* 'who is still living; Why are not his Depositions brought against me? So it should be 'if he has any thing to say. If you would 'know the Truth; it's so that neither the 'Lord *Thomas Grey* has said, can say or will 'say any thing against me; notwithstanding 'the Confession and Accusation of the Duke 'his Brother, who has affirm'd many other 'things that are not true. I do not speak at 'Random, for the Lord *Thomas Grey* being my 'Fellow Prisoner for a short time, inform'd 'me, that the Duke his Brother, had misrepresented him in many things, and among 'others in matters touching me, which he 'had declared to you Sir *Richard Southwell* 'and other Persons sent to Examine him not 'long ago. I am sure, if the Lord *Thomas* 'could or would have said any thing, it would 'now have appear'd here. And as to the 'Duke's Confession, its not at all material 'since he refers the matter to the Lord *Thomas* 'Grey's Report, who has cleared me of it.

Attorney. *My Lords, and you Gentlemen of the Jury, we shall make it very plainly appear to you that besides these things relating to* Wiat's *Rebellion, Sir* Peter Carew's *Treasons and Confederacies with the Duke of* Suffolk, *and the Prisoner's Conspiracy with the Earl of* Devonshire, *and with* Croft, Rogers, Warner *and several others, in divers Places; that* Throgmorton *did Conspire the Queen's Death, together with* William Thomas, *Sir* Nicholas

cholas Arnold *and other Traytors, which is worſe than all the reſt, and the moſt to be abhor'd.* Then they read the Confeſſion of Sir *Nicholas Arnold*, ſaying, *That* Throgmorton *told him, as they were riding between* Ninan *and* Croſsland *in* Glouceſterſhire, *that* John Fitz-williams *was very much diſſatisfy'd with* William Thomas.

Attorney. William Thomas *contriv'd, that* John Fitz-williams *ſhould kill the Queen, and* Throgmorton *knew of it, as appears by* Arnold's *Confeſſion.*

Here the Priſoner in his own Defence ſaid, I deny my having ſpoke any ſuch Words to *Arnold*, and tho' he is an honeſt Man, he may either forget himſelf, or ſtudy a way how to rid himſelf of ſo weighty a Burden as this is, for he is charged as Principal; this I perceived when he brought me into the Scrape, and I blame him the leſs for it, that he endeavours to clear himſelf, and makes me a Witneſs, provided he can lay the Contrivance at the Door of *William Thomas*: But in realty I never ſaid any ſuch Words to him in my Life; and the more fully to clear the matter, I ſaw *John Fitz-williams* in Court juſt now, who can bear Witneſs he never told me of any Miſunderſtanding between them; and as I knew nothing at all of that, ſo I know nothing neither of the Cauſe. I deſire, my Lords, he may be call'd to Swear what he can as to this Affair. Then *Fitz-lliams* drawing near, and offering to make ath of what he knew in reſpect to that Buneſs in open Court, the Attorney General poſed his being Sworn, or to ſpeak any ing at all there, ſaying, *They had nothing to do th him.*

Throgmorton. 'Why should not he be suffer'd 'to tell the Truth, and why are you not so 'willing to hear Truth on my behalf, as Falsehood against me?

Hare. *Who invited you hither* Fitz-williams, *or bid you speak? You are a very busy Fellow.*

Throgmorton 'I called him, and humbly desire he may be allow'd to speak and be heard 'as well as *Vaughan*, or else I have not Justice 'done me, especially that Mr. Attorney presses this matter so home against me.

Southwell. *Go your ways* Fitz-williams, *the Court has nothing to do with you; perhaps you would not be so forward in a good Cause.* *Fitz-williams* went out of the Court, and was not suffer'd to speak; this was so arbitrary a Proceeding, of which we can scarce meet with any Example, but 'tis probable it made very well for the Prisoner, and had a great Influence upon the Jury.

Here the Prisoner took up the matter, saying, 'Since this Gentleman's Declaration will 'not be allow'd of, I hope you, Gentlemen 'of the Jury, will take notice, that this Pro'hibition was not upon the Account of any 'thing he had to say against me, but on the 'contrary for fear he should offer some thing 'to the Court that made in favour of me. 'Now as to *Arnold*'s Deposition against me, 'I do aver, that I never said any such thing 'to him. But that the Words may not be 'so much strained against me, pray Mr. At'torney, why might not I have told *Arnold* 'that *John Fitz williams* was angry with *Wil'liam Thomas*, and yet not know the Reason of 'the Difference between them. Who is it 'confesses, that I knew any thing of the De'

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ſign of *William Thomas* to murder the Queen? I ſee no Body, for *Arnold* ſays not one Syllable of it, but only that there was a Difference between them; and to ſay that, implys neither Treaſon, nor any knowledge of Treaſon at all: Is this all the Evidence you have againſt me, in order to bring me within the limits of the Indictment?

Stanford. *I think thoſe things which others have confeſs'd, together with your own Confeſſion have great weight againſt you. But what have you to ſay as to the Inſurrection in* Kent, *and* Wiat's *Attempt againſt the Queen's Royal Perſon in her own Palace?*

Bromley. *Why do you not read to him* Wiat's *Accuſation, which makes him a ſharer in his Treaſons?*

Southwell. Wiat *has charged you home, and that in Reference to ſeveral Particulars, which have been confirm'd by others.*

Throgmorton. 'What ever *Wiat* ſaid of me in hopes to ſave his Life, he unſaid it at his Death; for ſince I came into the Hall, I heard one ſay, whom I do not know, that *Wiat* on the Scaffold cleared the Lady *Elizabeth*, the Earl of *Devonſhire*, and all the Gentlemen who were Priſoners in the *Tower*, ſaying none of them knew any thing of his Inſurrection; of which number I take my ſelf to be one.

Hare. *Nevertheleſs, he ſaid,* That all he had ſaid and confeſs'd before the Council was true.

Throgmorton. 'Nay, Sir, Under Favour, *Wiat* did not ſay ſo; it was Maſter *Doctor*'s Addition.

Southwell. *It seems you have good Intelligence.*

'*Throgmorton.* 'God Almighty in his Providence made way for me to come to the 'Knowledge of this, this very Day, since I 'was brought hither: I have been a close 'Prisoner for Eight and fifty Days, where I 'could hear nothing but what the Birds told 'me, who flew over my Head. And now I 'direct my Discourse in a more particular 'manner to you, Gentlemen of the Jury, de-'siring your diligent Attention: You see I 'have been indicted, and am now araigned 'for conpassing the Queen's Majesty's Death, 'levying War against her, taking the *Tower*, 'deposing and depriving the Queen of her 'Royal Dignity, and lastly, for destroying her 'and adhering to her Enemies: To prove me 'Guilty of all these Treasons, the Queen's 'learned Council have given these materia 'things in evidence; that is for compassing 'and imagining the Queen's Death, and the 'destruction of her Royal Person, they have 'offer'd the Depositions of Sir *Nicholas Arnold* 'which import that I should say to Sir *Nicho-*'*las* in *Glouceſterſhire*, that Mr. *John Fitz-wil-*'*liams* was angry with *William Thomas*.

'You have heard the Answer I have mad 'to it; I both deny the matter and farther 'except against the same, because there is bu 'one Witness for it. As for levying War a 'gainst the Queen, my Conferences with Sir 'Thomas Wiat, Sir *James Crofts*, Sir *Edward* 'Rogers, and Sir *Edward Warner* have been a 'ledged against me; and for my opposing 'the *Spanish* Match, and the *Spaniards* coming 'into *England*, which Discourse I do not deny

in the manner I ſpoke and meant it; notwithſtanding all the malicious Repreſentations which have been made this Day of my Conferences, there is no manner of Proof of my levying War: To prove the ſame Articles, they have alſo alledged Sir *James Croſts*'s Confeſſion, which you may remember implys no ſuch thing, it being only general Diſcourſe about the *Spaniſh* Match, and of my going Weſtward with the Earl of *Devonſhire*, which yet Sir *James* does not Avow, and therefore I deſire you to eſteem it as a thing that was never ſpoken. Farther, as a Proof of the ſame Article, they have offered the Duke of *Suffolk*'s Confeſſion, with whom I never had any Conference, and as to what was alledged to be ſaid to him by his Brother, I think he has himſelf ſufficiently cleared me; and yet ſuppoſing the Words were proved, no great matter could be made of them by Law: They have alſo for a farther Proof of the ſame Article, and for depoſing and depriving the Queen of her Royal Dignity, and adhering to the Queen's Enemies, produced the Confeſſion of *Culbert Vaughan*, whoſe Teſtimony I have ſufficiently invalidated by ſeveral Authorities and Circumſtances, and eſpecially by our own Law, which requires two lawful and ſufficient Witneſſes to be brought Face to Face. Then for ſecuring the *Tower* of *London*, *Winter*'s Depoſitions are alledged, which ſhew my Diſapprobation of it, when he ſpoke to me of Sir *Thomas Wiat*'s Project and Reſolution to attempt it. And laſt of all to aggravate matters againſt me, my own Confeſſion is trump'd up; wherein there appears

'neither Treason, Concealment of Treason, 'whispering of Treason, nor promoting of 'Treason.

'Now for as much as I am brought hither 'to be try'd by Law, tho' my Innocence as to 'all the material Points laid to my Charge, is 'very manifest and sufficient to my Acquit-'tance, and upon which I chiefly rely; yet for 'your farther Information and Satisfaction, 'I'll make it plainly appear to you, that if you 'should believe all the Depositions produced 'against me, which I hope you will not, I 'ought not to be attainted of the Treason 'comprehended within my Indictment, con-'sidering the Statute of Repeal the last Par-'liament of all Treasons, than such as are de-'clared in the 25th Year of King *Edward* III. 'both which Statutes, my Lords, I desire may 'be now read to the Jury.

Bromley. *No, Sir, There shall be no Books brought hither at your desire, we all know the Law sufficiently without Book.*

Throgmorton. 'Do you bring me hither to 'try me by the Law, and will not shew me 'the Law? What does your Knowledge in 'the Law signify to these Men, who are in 'truth my Tryers; pray my Lord, and my 'Lords all, let the Statutes be read, as well 'in Behalf of the Queen as me.

Stanford. *My Lord Chief Justice can tell what's Law, and will do it, if the Jury are doubtful in any particular.*

Throgmorton. 'You know it is but reasonable 'that I should know and hear the Law by 'which I am to be judged; and seeing the 'the Statute is in *English*, People of less learn-

'ing

'ing than the Judges can understand it, or 'else how should we know when we offend?

Hare. *You know not what is proper for your Circumstances, and therefore we must inform you. Its not our business to provide Books for you; neither do we sit here to be instructed by you, you should have been better informed of the Law before you came hither.*

Throgmorton. 'Because I am ignorant I would learn, and therefore I have the more occasion to see the Law, partly for the Instruction of the Jury, and partly for my own Satisfaction, which, methinks, would be for the Honour of the Court. And an't please you, my Lord Chief Justice, I do principally direct my Words to you, when the Queen was pleased to advance you to that Honourable Post, a great Man, and one of her Majesty's Privy Council, told me, *That her Majesty among other good Instructions, was pleased to charge and enjoyn you to Administer Justice and execute the Law impartially, and without Respect of Persons.* And notwithstanding the old Error among you, that you would not allow any Witness to speak, or any thing else to be heard in favour of the opposite side, where her Majesty was a Party; it was her Highness's pleasure that whatever could be produced in favour of the Subject should be heard; and farther, that you in a particular manner, as also all the other Judges, were to consider with themselves, that they sate in Judgment, not only on Behalf of the Queen's Majesty, but also of the Subject. And therefore this method of Impartiality in your Proceedings being principally enjoyn'd by God's Command, which I designed

'to have reminded you of at first, who are
'in the Commission, if I could have had leave
'to do it, and the same also given in Com-
'mand to you from the Queen's own Mouth,
'I think you ought in Justice to allow me to
'have the Statutes publickly read, and to
'reject nothing that could be offer'd in my
'Defence; in so doing, you would have ap-
'proved yourselves worthy Ministers of
'Justice, and of such a Mistress.

Bromley. *You mistake the thing, for the Queen said those Words to* Morgan, *Chief Justice of the Common Pleas; but you have no reason to Complain, you have been suffered to speak as much as you pleased.*

Hare. *What would you do with the Statute Book? The Jury do not insist upon it; they have heard the Evidence, and they must upon their Consciences try whether you are Guilty or not, so that there is no need of the Book; if they will not believe such clear Evidence, then they know not what they do.*

Bromley. *No Books ought to be read here at your Pleasure; if any Question arises in Point of Law, the Judges are here to inform the Court, and you do but spend their time.*

Attorney. *My Lord Chief Justice, I desire you would sum up the Evidence for the Queen, and give the Charge to the Jury; for the Prisoner will keep you here all Day.*

Bromley. *What say you; Have you any more to offer for yourself?*

Throgmorton. 'You seem to give and offer
'me the Law, but in reality I have no more
'than the Form and Shadow of it; never-
'theless since I cannot have the Favour to have
'the Statutes publickly read, I will with
'your Leave guess at them as well as I can

'and

and if I miſtake, I deſire your Aſſiſtance in rectifying me, for 'tis long ſince I have ſeen them: The Statute of Repeal enacted the laſt Parliament has theſe Words: *Be it enacted by the Queen, that from hence forth, none Act, Deed or Offence, being by Act of Parliament or Statute made Treaſon, Petit-Treaſon or Miſpriſion of Treaſon, by words, writing, printing, cyphering, Deed or otherwiſe whatſoever, ſhall be taken, had, deem'd or adjudged Treaſon or Petit-Treaſon, but only ſuch as be declar'd or expreſs'd to be Treaſon, in or by an Act of Parliament made in the* 25*th of* Edward *III. touching and concerning Treaſons, and the Declaration of Treaſons and no other.* Here you may ſee that this Law refers all the 'foreſaid Offences to the Statute of the 25th of *Edward* III. which has theſe Words touching and concerning the Treaſons that I am indicted and arraigned for; that is to ſay, *Whoever compaſſes or imagines the Death of the King, or levys War againſt the King within the Realm, or is an Adherent to the King's Enemies within or without the Kingdom, and be thereby probably attainted,* (theſe are the Words) *by open deed, by People of the ſame Condition, ſhall be adjudged a Traytor.* Now I deſire you, Gentlemen of the Jury, in whoſe Hands my Life is, to take diligent heed to thoſe things which now are Treaſons; and how theſe Treaſons muſt be try'd and detected; that is, by open deed which the Laws at the ſame time call an Overt-act. And now I ask, for all my Indictment, which is nothing but matter alledged, where does the Overt-act of my compaſſing and imagining the Queen's Death appear? Or where does any open act

of

'of my Adhering, assisting or conforting o
'the Queen's Enemies appear? Or any thin
'like it of taking the *Tower* of *London.*

Bromley. *Why do not you who are the Queen's learned Counsel at Law answer him; I think* Throgmorton *you have no occasion for the Statutes, you have them at your Fingers Ends.*

Stanford. *You are mistaken, in concluding that all Treasons are contained in the Statute of the 25th of* Edward *III. for that Statute is but a Declaration of certain Treasons, which were Treasons before at Common Law; so that there remains several other Treasons at this Day at Common Law, which are express'd by that Statute as the Judges can declare; yet there is sufficient matter alledged and prov'd against you, to bring you within the compass of the same Statute.*

Throgmorton. 'Pray name those things which 'bring me within the compass of the Statute 'of *Edward* III. for the Words are these, And 'be attainted thereof by *open deed, by People of 'like Condition.*

Bromley. *Sir* Nicholas *you mistake the meaning of these Words,* by People of like Condition; *for by them the Law means the discovery of your Treason: For Example,* Wiat *and the other Rebels, attainted for their Treasons already declare you to be his and their Adherents, for as much as you have had at several different times Conferences with him and them about the Treason, so that* Wiat *is now one of your Condition who, 'tis notorious to all the World, has openly committed a Trayterous Fact.*

This is a most vile Interpretation of the Law-Text, and such a Pervertion of the genuine meaning thereof, as would make an Infidel blush. Sir *Nicholas* took it right, and said

aid, 'By your leave, my Lord, this is a very ſtrange and ſingular underſtanding; for I preſume the Legiſtators meant by the Words *by People of the ſame Condition*, ſuch as were of the ſame State and Condition as thoſe who ſhould be on the Jury to try the Party arraigned, and find him guilty or not guilty; and not at all the detection of the Offence by the act of another Man, as you would have it; for what have I to do with *Wiat*'s Actions, who was a Hundred Miles diſtant from him?

Attorney. *Will you aſſume to yourſelf a greater nowledge of the Law than the Judges? I do not ubt but you that are of the Jury will believe in ch a manner as you ought to do.*

Cholmley. *As to the true meaning of theſe ords*, By People of their Condition, *my Lord ief Juſtice has interpreted right, for* Wiat *was e of your Condition; that is, in your Condition.*

Hare. *Sir* Nicholas, *You do not deny but that re have been Conferences and Meſſages between and* Wiat; *he and* Winter *have owned the ne beſides others; ſo that it is plain,* Wiat *may called one of your Conſpiracy.*

Sir *Nicholas* ſaw plainly enough thro' their ſling Argument, which ſurely little became grave Men, Judges, and ſuch as ought be the Sages of the Land; and therefore anſwer'd, 'Seeing you, my Judges, do ſo ſtrangely pervert the meaning of theſe Words, I'll inſiſt no longer upon them; but where is it proved *by open deed* againſt me, to which the Treaſon is more particularly referr'd.

Bromley. *If three or four Perſons conſer, ima- e and conſpire to perform ſome Trayterous Action,*

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one of whom afterwards commits the Treason, as it was Wiat's *Case, the Law reputes it to be their Act, and every one of them; so that* Wiat's *Acts implys and proves your open Deed; and thus the Law terms, and takes it to be.*

Throgmorton. 'These are very strange Expositions and unheard of Explications, that 'another Man's Act to which I was no way 'privy, should be accounted mine; for *Wiat* 'clear'd me so far that I knew nothing of the 'Insurrection.

Hare. *But, Sir, you were a principal Agent and Manager of* Wiat's *Rebellion, tho' you were not actually with him when he took up Arms; and the Law, as my Lord has observ'd, always adjudges him to be a Traytor, who was privy to, and a Fomenter of the Treason, or an Exciter of any other Man to commit Treason or a Trayterous Action, as you did,* Wiat *and others: So that the Overt-act of those who committed it by your means, shall be accounted your open deed: We have a common Case in Law; if a Person by Procurement should dispossess you of your Estate, the Law looks upon both to be Offenders, and allows a Remedy as well against the one as the other.*

Throgmorton. 'I beg of you do not apply 'such Constructions as these against me, and 'tho' you are not affected with my present 'Condition, yet you would do well to consider your own Station, and think that the 'same measure you give to others, you may 'depend upon it will be measur'd to you a'gain. Such is the Condition of human Affairs, that Men cannot at all foresee what 'Fate hangs over them: I as little thought 'within these Twelve Months I should stand 'here, as you do who sit upon the Bench

'A

"As to the Caſe laſt mention'd and urg'd by "you, I have learned of you, Sir *Nicholas Hare* "and Mr. Sergeant *Stanford*, in the Houſe of "Commons, where you ſate to make Laws, "that Doubts and Ambiguities in Law ought "to be ſincerely explained and reſolved, and "even without Partiality and Affection; I ſay, "I learn'd there of you, and others who are "Maſters in the Profeſſion of the Law, this "Difference between the Caſes you cited juſt "before, and the Statute upon which I am "indicted. There is a Maxim in Law which "ought to be ſacred and inviolable, and that "is, that no penal Statute may, ought or "ſhould be conſtrain'd, explain'd, ſtretch'd "or wreſt'd, any otherwiſe than the plain "Words and naked Letter of it will bear "and warrant. And I do remember, that a-"mong ſeveral other ſolid and valuable Rea-"ſons by you urg'd, Mr. Sergeant *Stanford*, in "the Parliament Houſe for keeping that Max-"im inviolable, you ſaid that conſidering "the private Affections of both Princes and "Miniſters of State in this Kingdom, which "frequently prevail, ſince they are Men and "will, and can Err, to refer the Interpreta-"tion and Intention of penal Laws to any "Judge's Equity, for that was the term you "then uſed, which may either for fear of the "higher Powers be ſeduced, or by Ignorance "and Folly abuſed, would be ſo far from be-"ing a Security, that it would be highly dan-"gerous to the Liberty of the Subject. I "think this is a ſufficient Anſwer to what has "been ſaid, and inſiſted on ſo much about "Procurement.

Bromley.

Bromley. *Notwithstanding your insisting so much upon a strict adhering to the Letter of the Law; it appears and is upon Record in our Law Books, that several Cases have been adjudged Treason, without the express Words of the Statute, as the Queen's learned Counsel can inform you.*

Attorney. *It appears that the Prisoner at the Bar, not only excited* Wiat, Carew, Rogers *and others to commit Trayterous Acts, his open Facts thereby appearing according to* Vaughan's *Depositions produced against him, but also he intended in a short time to go and joyn those Traytors, for he designed to go Westward with the Earl of* Devonshire.

Throgmorton. 'I hope my Innocence in these 'respects has been sufficiently made out by 'my former Answers, notwithstanding the 'unjust Accusation of the condemn'd Crimi-'nal brought against me; but because the 'genuine Sence of the Statute is in Debate, I 'do insist upon it, that Procurement, especially 'by Words alone, is not within the Compass 'of it, and that I have learnt and prove ac-'cording to the principle, I have learnt of 'Mr. Sergeant *Stanford*.

Stanford. *Sir* Nicholas Throgmorton, *I'm likely you and I shall not agree at this time about the Sence of the Law, for I am for the Queen and you for yourself; it must be left to the Determination of the Judges.*

Bromley. *I am certain you know very well, that he who procures another Man to commit Felony or Murder, the Law adjudges the Procurer to be a Felon or Murderer; and in case of Treason, it has always been so taken and reputed.*

Throgmorton 'I do and must adhere to my 'Innocence, for I procured no Man to com-'mit Treason; but yet I desire for Infor-

'mation

mation ſake, to know a Caſe that has been ſo adjudged, as you ſay the Law now is. I muſt own, that when there were Statutes made about the Procurer, Adviſer, Abetter and the like, as there were in the Reign of *Henry* VIII. ſuch cruel Conſtructions might be made, and Procurers be brought within the Reach of the Law: But theſe Statutes being repealed, you ought not now to do it. And as to the chief Procurer in matter of Felony or Murder, its not the ſame as in Treaſon; for the Principal and Acceſſaries in Felony and Murder are to be try'd and puniſh'd by the Common Law, and ſo in ſuch Caſes, the Judges may uſe their Diſcretion, and extend the Determination of the Fault as they pleaſe; but it is otherwiſe in Treaſon, the ſame being limitted by an Act of Parliament, which I ſay and do affirm is excluſive of any Judge's Interpretation, according to the Maxim before recited.

Stanford. *Your Lordſhips know a Caſe in* Richard III's *time, wherein the Procurer to Counterfeit falſe Money, was adjudged a Traytor, and the Law was the ſame then as it is now.*

Hare. *Mr. Sergeant puts you in mind, Sir* Nicholas, *of a Caſe which happened before your time, that the Law has been ſo taken, and yet the word Procurer was not expreſs'd in the Statute; but the Law has been always ſo underſtood.*

Throgmorton. 'I never ſtudy'd the Law, for which I am very ſorry: When there was a Debate in the Houſe of Commons about Penal Laws, I remember you who were the learned there, cited ſome Caſes quite contrary to this laſt mention'd, and if I relate them not right, I deſire your aſſiſtance.

'As

'As to the Case urg'd about a Procurer t
'counterfeit Money, the Procurer at on
'time was adjudged to be a Felon, and a
'another time neither Felon nor Traytor
'Thus you find some of your Predecessor
'adjudged the Procurer to be no Traytor i
'the same Case, but confined their Judge
'ment to the Principal; tho' some other
'extended their Constructions of that La
'much farther, and here are two Cases fo
'you against your one.

Bromley. *Because you confine the business to th Principal, I am to observe to you, that a Man i the Reign of* Henry *IV. taking off the Great Se from one Instrument in writing, and affixing it t another, was adjudged a Traytor; and yet the Fa did not come within the express Words of the Statu of* Edward *III. Several other the like Cases migh be produced, if there was any occasion for them.*

Throgmorton. 'I desire, my Lord, you would
'be pleased to recollect yourself, and remem
'ber that in the very like Case of the Grea
'Seal, Judge *Spelman*, a grave and learne
'Person, since that time, would not Condem
'an Offender, but censur'd the former Judg
'ment by your Lordship cited, as errone
'ous.

Stanford. *If I had thought you were so well ver sed in Law Cases, I would have come better pr pared for you.*

Throgmorton. 'Mr. Sergeant, I know n
'thing but what I chiefly learn'd of you an
'other Lawyers in the Parliament House, an
'therefore I may say with the Prophet,
'*lutem ex Inimicis Nostris.*

Southwel. *You have a very good Memory.*

Attorne

Attorney. *If the Prisoner be suffered in this manner to put off his Treasons, the Queen's Person must be in great danger; for* Jack Cade *and his Brethren, some times urged the Law in their own behalf, and at other times alledged they intended the King no harm, but his Council; in the same manner as* Wiat, *the Duke of* Suffolk, *and others did against the* Spaniards, *when there were none of them in the Kingdom: The Duke and his Associates misunderstood the Law, as you do; tho' at last they confess'd their Ignorance and submitted, and it would be your best way to do so to.*

Throgmorton. 'As to *Cade* and his Adherents, I am not so well acquainted with their Treasons as you are; but I have read in our Histories, that they took the Field with an Arm'd Power against the King, which was a plain Overt-Act. As for what the Duke of *Suffolk* did, its nothing at all to me; and tho' you have a mind to compare my Words and Expressions against the *Spaniards* with the Duke's Actions, who had an Arm'd Force with him, its very plain there is a vast Difference between them. I am sorry I should aggravate any other Person's Faults, but it is useful for my own Defence, and therefore I hope no Body will think the worse of me for it: God forbid that Words and Actions should be thus confounded.

Attorney. *Sir* William Stanley *used the same whilst the Prisoner does now; he said,* He did not levy War against King *Henry* VII. *but said to the Duke of* Buckingham, That he would in a good Quarrel assist him with Five hundred Men, *and yet* Stanley *was Attainted for these Words, who, every Body knows, had before very justly and faithfully serv'd that Prince.*

Throgmorton. 'Pray, Mr. Attorney, do not 'draw Conclusions against me from blind 'Contrarieties: Whether you rightly state '*Stanley*'s Case or not, I cannot tell, but ad- 'mit it to be as you say, What is that to me? 'I promis'd no Aid to Sir *Thomas Wiat*, nor 'any other Person; the Duke of *Buckingham* 'levy'd War against the King, with whom, 'as you say, *Stanley* was a Confederate.

Attorney. *I desire you, my Lords, who are the Queen's Commissioners for this Tryal, that you would not suffer the Prisoner to use her Majesty's Learned Council in this manner: I was never thus interrupted in my Life neither have I ever known any suffer'd to talk as the Prisoner does; some of us will come no more to the Bar if we are thus used.*

Bromley. *Sir* Nicholas Throgmorton *you must suffer the Queen's Council to speak, or else we must take Care of you, you have been suffer'd to talk as you pleas'd.*

Hare. *Its plainly prov'd, that you have talk'd with* Wiat *against the coming in of the* Spaniards, *and contriv'd how to prevent it, and also promis'd to do what you could against them, and therefore* Wiat *being incourag'd by you, levy'd Forces and made War against the Queen's Person.*

Throgmorton. 'It was neither Treason nor 'the Procurement of Treason, to talk against 'the coming of the *Spaniards* into this King- 'dom, neither was it Treason for me to say, 'I would, as much as I could, prevent their coming, 'if you take my meaning right; nay, tho' 'you put the worst Construction upon it, 'they were but Words, and no Treason, as 'things are now according to Law. As for 'Wiat's Actions they do not affect me, for he

'he clear'd me at the time of his Death, when 'it was very unſeaſonable for him to tell 'Lies.

Bromley. *The Queen's Learned Council in the Law, as you have heard, have cited ſeveral Caſes, by which it appears, that Procurement, tho' no other than by Words, which you would make to be nothing, has for a long time and by a great many learned Men in the Laws of this Land, been adjudged Treaſon: And therefore your Procurement being ſo very plain as it is, we may juſtly ſay it was Treaſon, becauſe* Wiat *did a Trayterous Action.*

Throgmorton. 'As to the afore-mention'd Precedents cited againſt me, I have produc'd as many for me, and I wiſh, my Lord Chief Juſtice, you would chuſe rather to follow the Examples of your worthy Predeceſſors, Juſtice *Markam* and others, who hating corrupt Judgments, gave their Opinions plainly and ſincerely according to Law and the Principles of it, than by deviating from Law and Truth, ſhew Corruption, Malice and Partiality in your Proceedings.

Bromley. *Judge* Markam *had reaſon for what he did, for it appear'd, that a Merchant of* London *was arraign'd and falſly accus'd of Treaſon, for contriving and imagining the King's Death, he ſaid,* He would make his Son Heir to the Crown, *but the Merchant meant a Houſe in* Cheapſide, *at the Sign of the Crown, but your Caſe is otherwiſe.*

Throgmorton. 'I own my Caſe is different, but more particular, becauſe I have not ſuch a Judge: Yet there is another reaſon for the reſtraining your extravagant and remote Interpretations, I mean, a Proviſo in the latter end of the Statute of *Edward* III.

'which runs thus, *Provided always, if any other* 'Case of suppos'd Treason shall chance hereafter to 'come in Question or Tryal before any Justice, o- 'ther than is in the said Statute expres'd, that then 'the Justice shall forbear to adjudge the said Case, 'till it be shewn to the Parliament, to try whether 'it should be Treason or Felony. Here you are 'expresly restrain'd to adjudge any Case, that 'is not clearly mentioned before, until it be 'laid before the Parliament.

Portman. *That Proviso is to be understood in respect to Cases which may come in Tryal, which has been in Ure: But the Law always took the Procurer to be a principal Offender.*

Sanders. *In Cases of Treason all are Principals and no Accessaries in the Eye of the Law, as in other Offences; and therefore a Man that commits Treason, either by an Overt-Act or Procurement, so as that a manifest Fact appears, he is adjudged by the Law to be a principal Traytor.*

Throgmorton. 'Methinks you pass a very se- 'vere Opinion upon the Word Procurement. 'Now to say nothing of Principal, the Pro- 'viso I mention'd, and the good Example of 'the best and most learned of your Predeces- 'sors, the Judges of the Land, and notwith- 'standing the extended Interpretation made 'of the Word Procurement, I am not afraid 'of it, for there is no Evidence that I pro- 'cured any one whatsoever to attempt a 'Trayterous Act.

Stanford. *The Jury are to decide that, whether you have done so or not.*

Hare. *I know no way so proper to decide the Business of Procurement, as by Words, and that which makes sufficiently against you, as well by your own Confession, as other Men's Depositions.*

Throg

Throgmorton. 'To talk of the Queen's Marriage with the Prince of *Spain*, and of the coming of the *Spaniards* into this Kingdom, is not to procure Treason to be committed, for then the whole Parliament House, I mean the Commons, have procured Treason. But since you will make no Difference between Words and Actions, let me remind you of a Statute made in the Reign of the late King *Edward* VI. my Lord and Master, which manifestly shews the Distinction. The Words are these: *Whosoever doth compass or imagine to depose the King of his Royal Estate by open Preaching, express Words or Sayings, shall, for the first Offence, lose and forfeit to the King all his and their Goods and Chattels, and also shall suffer Imprisonment of their Bodies at the King's Will and Pleasure. Whosoever,* &c. *for the second Offence, shall lose and forfeit to the King, the whole Issues and Profits of all his and their Lands, Tenements and other Hereditaments, Benefices, Prebends, and other Spiritual Promotions. Whosoever,* &c. *for the third Offence, shall for term of Life or Lives of such Offender or Offenders,* &c. *and shall also forfeit to the King's Majesty, all his or their Goods and Chattels, and suffer during his or their Lives, perpetual Imprisonment of his or their Bodies. But whosoever,* &c. *by Writing, Cyphering or Act,* &c. *shall, for the first Offence be adjudged a Traytor and suffer the Pains of Death.* Here you may see the Judgment of the whole Kingdom, in respect to the manifest Diversity there is between Words and Actions; and therefore the Legislative Power has appointed diversity of Punishments, because they would not confound Words and Deeds together, enacting, that to com-

'pass and imagine by Words should be Im-
'prisonment, and by open Facts, Death.

Bromley. *Its the Judgment of the whole Bench, that the Procurer and Adherer should be always esteem'd a Traytor, when a Trayterous Act has been done by any one in the same Conspiracy; now there is plain Proof of your adhering to* Wiat, *both by your own Confession and otherways.*

Throgmorton. 'Adhering and procuring are
'not the same thing; for the Statute of *Edward* III. speaks of Adhering, but not of
'Procuring, and yet Adhering ought not to
'be extended farther than to the Queen's E-
'nemies within her Dominions, for so the
'Statute limits the meaning of it. Now *Wiat*
'was not the Queen's Enemy, neither was he
'so reputed when I talked with him last, and
'our Conversing together did not imply an
'Enemy, nor tend to Treason, or the pro-
'curing of Treason. And therefore I desire
'you, Gentlemen of the Jury, to take notice,
'that I plead Law, I insist upon my Inno-
'cence, the best part of my Defence.

Hare. *Your adhering to the Queen's Enemies within the Kingdom is plainly proved, for* Wiat *was the Queen's Enemy within the Realm, every Body knows it; he confess'd it at his Arraignment and at his Death.*

Throgmorton. 'Under favour, *Wiat* neither
'at his Arraignment nor the time of his
'Death, confess'd he was the Queen's Enemy;
'when I talked with him last, he was neither
'reputed nor taken to be so for fourteen Days
'after, when he drew Arm'd Men together,
'at what time I was at your House Mr. *Eg-*
'*glesfield*, where I had the first Intelligence of
'*Wiat*'s Insurrection; And I ask the Court
'wher

'where the Depositions are, that any manner 'of Correspondence was held between *Wiat* 'and me, after he had discovered himself an 'Enemy to the Queen by his Actions? If I 'had been so inclin'd, who could hinder me 'to go and joyn with him, or to send to him 'or the Duke of *Suffolk* either, who was in my 'own County, whither I might have gone 'without any suspicion of leaving my Habi-'tation.

Englefield. *Its very true, you were at my House with some others, and to my knowledge knew nothing of these things.*

Bromley. *Sir* Nicholas, *you confess'd you talked with* Wiat *and others, against the coming in of the* Spaniards, *and about seizing the Tower of* London, *whereupon* Wiat *rose up in Arms to fight against the* Spaniards, *so all of you say, but in Reality it was against the Queen, which he confess'd at last; therefore* Wiat's *Actions prove you to be an Adviser and Procurer, though you would never so feign put the thing off from your self.*

Throgmorton. 'Methinks the Conclusions 'you make against me are drawn from very 'ill favour'd Premisses, according to the Rules 'of Logick, if you will give me leave, I'll 'form another Argument.

Stanford. *Judges do not sit here to make Disputations, but to declare what is Law, and this has been done over and over again,* if you would but Judge rightly of it.

Hare. *You have heard Law and Reason, if you will but take it.*

Throgmorton. 'Good God who seest all things, what manner of Proceedings are these? To what Purpose was the Statute of Repeal made the last Parliament, where I heard some

'of you who are here in Court, and several o-
'thers of the Queen's learned Council, inveigh
'bitterly against the cruel and too rigorous
'Laws of *Henry* VIII. and some Statutes enact-
'ed in the late King my Masters time: Some
'term'd them *Draco*'s Laws, which were writ
'in Blood; others said, they were more intol-
'lerable than any Laws made by *Dionysius* or
'any other Tyrant. In a Word, as many as
'there were Men, so many bitter Names and
'Terms were these Laws call'd by. Besides,
'we have it in the Preamble of the same
'Statute, that many great Persons and o-
'thers of good Reputation, had been most
'barbarously destroy'd by those blood-thirsty
'Laws, with many other Suggestions tending
'to the Repeal of them: Let us now but
'look with an impartial Eye, and weigh things
'thoroughly, whether, as the Judges con-
'strue and stretch the Statute of *Edward* III.
'we are not in a much worse Condition than
'we were when yok'd with those cruel Laws.
'Nevertheless those Laws, how grievous so-
'ever they were, yet they had the Property
'of Laws, according to St. *Paul*; for they
'admonish'd us, and discover'd our Offences
'plainly to us, so that when we are fore-
'warn'd, we are usually fore-arm'd; but these
'as they are manag'd, are meer Baits to en-
'snare us, and only prepared for that pur-
'pose: For at first sight they assure us, that
'we are freed from our former Captivity,
'and by the late Repeal live in more Securi-
'ty; but when it pleases the higher Powers
'to call any Man's Life and Words into Que-
'stion, then there are such Constructions, In-
'terpretations and Extensions of Laws re-
'served

ſerved in the Breaſts of the Judges, that the Party Try'd, as now I am, will find himſelf in a much worſe Condition than when thoſe cruel Laws were in Force. But I deſire of you who are honeſt Men, and of my Jury, to conſider theſe things, and that ſome People are inclinable rather to give Judgment according to the Current of the Times than of Truth; that their Judgments are repugnant to their own Principles, repugnant to the Determinations of their pious and learned Predeceſſors, and I ſay, repugnant to the Proviſo in the Statute of Repeal made in the laſt Parliament.

Attorney. *Sir* Nicholas Throgmorton *be eaſie, d it will be the better for you.*

Throgmorton. 'I am not ſo uneaſie as you are, and yet our Caſes are not unlike; but becauſe I have been ſo tedious and troubleſome to the Court, I deſire my Lord Chief Juſtice to repeat the Evidence given againſt me, and the Anſwers I have made to all the Objections, if there is nothing elſe to be laid to my Charge.

Here the Lord Chief Juſtice made a very rticular Recapitulation of all the Depoſitis and Evidences given againſt the Priſoner, d either for want of a good Memory, or ther Good-will, was very ſhort and defective the Priſoner's Anſwers, who thereupon deed, *he would ſhew himſelf impartial*, and made the Deficiency himſelf.

Sendal. *Gentlemen of the Jury, your Buſineſs is to ſee whether Sir* Nicholas Throgmorton, *Priſoner at the Bar, is Guilty of the Treaſons, any of them, of which he has been indicted, and Day arraign'd, Yes or No: And if you find him*

him Guilty, you are to inquire what Lands, Tene-ments, Goods and Chattels he had on the Day the Treasons were committed, or at any time since; and whether he fled for those Treasons, if you find him Not Guilty.

Throgmorton. 'Have you said what you had 'to say?

Sendall. *Yes, for this time.*

Throgmorton. 'Then I desire leave to say a 'few Words to the Jury: My Cause was of 'so much Weight and Importance, that it has 'occasion'd me to give you a great deal of 'Trouble, and therefore I shall not detain 'you much longer with a tedious Speech. 'You have seen and heard the great Contest 'that has been between the Judges and the 'Queen's learned Council at Law on the one 'part, and me the poor distress'd Prisoner at 'the Bar on the other: The Decision of the 'whole Controversy of my Innocence, of my 'very Life, Estate and Goods, and the Ruin 'or Welfare of my Posterity, depends wholly 'upon your Verdict; and tho' many this Day 'have inveigh'd much against me, my Doom 'does not depend upon them, but the final 'Determination is wholly devolv'd upon you. 'I hope you cannot but call to mind, how 'grievous and terrible the shedding of Inno-'cent Blood is in the sight of God; therefore 'I say, be careful for Christ's sake, and do 'not defile your Consciences with such hei-'nous and notorious Crimes; those that do 'so are grievously and sorely punish'd, even 'in this World and Vale of Misery, in their 'Children's Children to the third and fourth 'Generation, and in the World to come with 'everlasting Fire and Damnation. Lift up 'you

your Eyes to Heaven, be not too intent upon the things of this World, look not back to the Fleſh-pots of *Egypt*, which will allure you from Cœleſtial Conſiderations, and make you fix your Minds upon Worldly Security, wherein there is nevertheleſs no ſafety: I beſeech you to believe, that the Queen and her Miniſters take more Delight in favourable and equitable Determinations, than in raſh Cruelties: And ſeeing you are all Citizens, I'll take my leave of you with St. *Paul*'s Valediction to the *Epheſians*; *Citizens you alſo are, whom he took to record, that he was free from any Man's Blood.* A very particular Doctrine left for your Inſtruction, that each of you ſhould be clear from ſhedding of Innocent Blood, when you leave this miſerable World, may the Holy Spirit be with you.

Then *Sendal* calling to the Sergeant, bid him ake the Jury along with him, and to ſuffer o Body to come at them, but to be manag'd s the Law directed, until they agreed on their erdict.

Here Sir *Nicholas Throgmorton* having mov'd he Perſons in Commiſſion to try him, that ey would order that no Body ſhould have ceſs to or ſpeak with the Jury, nor that y of the Queen's learned Council at Law ould be ſuffer'd to confer with them, till ey came back into open Court to deliver eir Verdict: The Bench in Compliance with s juſt Requeſt, order'd two Sergeants ſhould e Sworn to ſuffer no Body to come at the ry, till they had agreed on their Verdict. his done, the Priſoner was, by order of the ourt, taken from the Bar, and they adjourn'd

till

till three in the Afternoon; at which time returning to the Hall, they ſtaid there till the Jury had agreed on their Verdict; and Notice thereof being given about the Hour of Five to the Commiſſioners, the ingenious Priſoner was brought again to the Bar, whither the Jury alſo repair'd, and being ask'd whether they had agreed on their Verdict, they all anſwer'd *Yes*, with one accord; then the Court asking who ſhould ſpeak for them, they anſwer'd, *Whetſton* their Fore-man.

Then *Sendal* ſaying, *Sir* Nicholas Throgmorton, *Kt. Hold up thy Hand*, and the Priſoner doing ſo accordingly; *Sendal* added, *You that are of the Jury, look upon the Priſoner*; and the Jury having comply'd, *Sendal* ſaid, *What do you ſay? Is Sir* Nicholas Throgmorton, *Kt. there a Priſoner at the Bar, Guilty of the Treaſon, for which he has been indicted and arraigned in Manner and Form*; *Yes or No.*

Whetſton. *No.*

Sendal. *What do you ſay, did not he fly from Juſtice?*

Whetſton. *No, we find no ſuch thing.*

Throgmorton. 'I had forgot to anſwer that 'Queſtion before, but you have found ac- 'cording to Truth; and the better to juſtify 'what you have done, you are to underſtand 'that I came to *London* and of my own Ac- 'cord appear'd before the Privy Council, as 'ſoon as I came to know they inquir'd for 'me, tho' I was almoſt at a Hundred Miles 'diſtance from hence; if I had not rely'd upon 'my Innocence, I might have eaſily with- 'drawn and kept out of Danger.

Bromley. *What do the reſt of you ſay, Is* Whetſton's *Verdict, the Verdict of you all?* Now all of them

hem saying *Yes*: The Chief Justice bid them ll to Mind, Whether they had seriously con-der'd the whole Evidence, as it had been ven and declar'd in Court; that the Busi-ess concern'd the Queen's Majesty, and also hemselves, and therefore they ought to take are what they did.

Whetston. *My Lord, we have thoroughly weigh'd e Evidence given against the Prisoner at the Bar, d his Answers to every thing that has been al-dged against him, and accordingly we have, pur-ant to the Dictates of our Consciences, found him ot Guilty.*

Bromley. *If you have done well, its the better r you.*

Throgmorton. 'Its better to be try'd, than live under Suspicion. Blessed be the Lord God of *Israel*, for he has visited and re-deemed his People, and has raised up a mighty Salvation for us in the House of *Da-vid*. Now if you please, my Lord Chief Justice, seeing I have been indicted and ar-raign'd for several Treasons, and pursuant to Law have put my self upon my Tryal by God and my Country, that is, by these honest Men, who have found me Not Guilty, I humbly desire you would allow me such Advantage, Acquital and Judgment as the Law directs.

Here the Commissioners consulting together a little while, and the Prisoner applying him-lf to the Lord Chief Justice, that he would ss Sentence for his Discharge: The Chief stice said, *Whereas you desire the Benefit which e Law allows, you shall have it, to wit, that for much as you have been indicted of several high easons, and been this Day before the Queen's Com-*

Commissioners and Judges arraigned for them, which you have pleaded Not Guilty, and have your self upon Tryal by God and your Country, have found you Not Guilty; the Court awards that you should be clearly discharg'd, paying your Fees nevertheless, Lieutenant of the Tower, *take him back with you, for there are other things to be laid to his Charge.*

Let the Chief Justice Answer for this Perversion of Justice; Sir *Nicholas* very wisely declined to say any thing that was provoking upon it, and giving his Discourse another Turn address'd himself thus to the Court: 'My 'Lords and Gentlemen, who are of the Privy 'Council, I inteat you to be humble Suppli- 'cants in my behalf to her Majesty, that 'as I am, by the blessing of God, this Day 'clear'd by Law of the Treasons wherewith 'I was so severely charg'd, so it may please 'her most Excellent Majesty to clear me also 'in her own private Opinion, and both to 'forgive and forget my Rashness and Auda- 'city in talking so freely, of her Marriage 'with the Prince of *Spain*; things that are far 'beyond my Capacity, and such as I am not 'able to weigh as they ought to be, and pro- 'per for no Body to meddle with but her 'Honourable Privy Council: Now if her Ma- 'jesty shall be pleased of her Royal Good- 'ness, to remit my former Over-sights, I 'shall think my self happy that I have run 'the Risque of so much Danger as I have this 'Day escap'd, which will be a Caution to me 'not to intermeddle with things that are be- 'yond my Reach, but to keep within the 'Boundaries of my own Duty and Station. 'And so God save the Queen's Majesty, and

'long

long may ſhe Reign over us; and the ſame Lord be praiſed for you who are Magiſtrates, before whom I have been fairly Try'd this Day by the Law, and you have proceeded accordingly; the Grace of God be amongſt you now and for ever more.

The Bench made no manner of Anſwer, t the Attorney-General having failed of s End in convicting the Priſoner, would reck his Revenge on the Jury, and ſaid, *My rds, ſeeing theſe Men, who were of the Jury have angely acquited the Priſoner of the Treaſons laid his Charge, and will preſently go out of Court; I do ve in behalf of the Queen, that they may be bound Recognizances of Five hundred Pounds a Man, anſwer to ſuch things as ſhall be alledged againſt m, when ever required to do it.* Hereupon *etſton* the Fore-man apply'd to the Lords, t the Jury might not be moleſted for the thful Diſcharge of their Conſciences, that ey being Traders, and their Livelihood de-nding upon their Induſtry in their Callings, deſired the Court would appoint a Day their Appearance, ſeeing ſome of them ght perhaps be in Foreign Parts attending eir lawful Occaſions.

Theſe Poor Men met with a moſt ſevere ge, for they were clapt up in Priſon, wherein ur of them continued not long, for they de their Submiſſion, and own'd their Of-ce, to the Prejudice of Truth: But the er Eight perſiſting in their Integrity, were the 26th of *October* brought before the uncil in the *Star Chamber*; where they af-n'd, that what they had done in reſpect their Verdict, was according to the beſt of eir Knowledge and their Conſciences, even

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as they should answer for the same before God at the solemn Day of Judgment. Nay, Mr. *Lucar* said openly and boldly before their Lordships, *That what they did in that matter, was like honest Men, and true and faithful Subjects; and therefore they humbly intreated the Lord Chancellor and the rest of them, to intercede with the King and Queen, that they might be clear'd and set at Liberty*; saying, *they were all ready to submit themselves to their Majesties, saving and reserving their Consciences, Veracity and Honesty.*

The Lords extreamly offended with their behaviour, adjudged them to pay most Exorbitant Fines; some said they ought to be fined 1000*l.* a Man; others that *Lucar* and *Whetston* ought to pay a Thousand Marks a piece, and the rest Five Hundred. In short, the cruel Sentence pass'd upon them was this: That *Whetston* and *Lucar* should pay Two Thousand Pounds apiece within a Fortnight after, and the other six a Thousand Marks each; but the four which submitted, and whose Names were *Lee*, *Painter*, *Biswick* and *Cater*, were excepted. They were all remanded to Prison, where they were to tarry till farther Order, and the Sheriffs of *London* order'd to take an Inventory of their Goods, and to Seal up their Doors.

These unhappy Men having laid in Prison till the 12th of *December*, there were Five of them then discharg'd and set at Liberty, upon the Payment of their Fines which was reduced to Two Hundred and Twenty Pounds apiece; the other three having in an humble Petition set forth their Estates did not amount to the Sum they were required to pay, they were

were discharg'd on the 21st of the same Month, upon the Payment of Threescore Pounds apiece.

It has been the Opinion of some of the best of our Lawyers, that the Jury being the proper Judges of matters of Fact, they ought by no means to be called to an Account for the Verdict they bring in, tho' never so different from the Sentiments of the Court. I remember I have read some where, a great many Years ago, the following Story, with which we may pertinently enough close up this Tryal. Some time during the Reign of the glorious Queen *Elizabeth*, the Chief Justice being on the Circuit, there was a Man try'd before him for the Murder of another Person, and the Evidence and other Circumstances appear'd so plain, that he directed the Jury to find him Guilty. Eleven of the Twelve presently declar'd themselves to be of the Judges Opinion; but the Twelfth Man, cou'd by no manner of Means nor Arguments be brought to comply with the rest, and declar'd he would either starve them, or they should him before he would do it. Being locked up together for a long while, and the Judge wondering they were so tedious about their Verdict, he made Inquiry into it; and understanding the Obstinacy of one Man only was the occasion of the delay, he sent for him, and expostulated the matter a little while without being able to work upon him any farther than that he had Reasons for what he did, which he would not divulge: The Judge told him at last, if his Life lay at Stake, he should be in no Danger, provided he would let him know his mind. He thereupon relying upon

as they should answer for the same before God at the solemn Day of Judgment. Nay, Mr. *Lucar* said openly and boldly before their Lordships, *That what they did in that matter, was like honest Men, and true and faithful Subjects*; *and therefore they humbly intreated the Lord Chancellor and the rest of them, to intercede with the King and Queen, that they might be clear'd and set at Liberty*; saying, *they were all ready to submit themselves to their Majesties, saving and reserving their Consciences, Veracity and Honesty.*

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the Promise of the Judge, said, *That he himself had murdered the Person for which the Man was try'd, and that he was not willing by finding him Guilty, to commit another Murder.* The Judge after his return from the Circuit, having represented the matter to the Queen, procur'd him his Pardon, which he very well deserv'd.

If the Reader would know what became of Sir *Nicholas Throgmorton* himself, after so narrow an Escape, I find no farther Proceedings against him, neither do our Histories make any mention how and when he obtained his Liberty: But it's likely he did not continue long under Confinement; and surviving till the happy Reign of Queen *Elizabeth*, he discharg'd several Embassies with great Application and Fidelity; and tho' so very much to his Glory, yet he could rise no higher than to those small Preferments, tho' Glorious in Title, of chief Cup-bearer of *England*, and Chamberlain of the Exchequer; and this because he sided with the Earl of *Leicester* against *Cecil*. He dy'd in the 13th Year of the Reign of Queen *Elizabeth*, *Anno* 1570. with this Character, that he was a Gentleman of great Experience, piercing Judgment, and singular Prudence.

The Tryal of William Parry, *Doctor of Laws, for High Treaſon, in conſpiring the Death of Queen* Elizabeth. Anno. 1584.

William Parry was one of the younger Sons of *Harry ap-David*, who liv'd in a little Village called *Northop*, in the County of *Flint* in *North-wales*, and kept a petty Ale-houſe there; his Mother was the reputed Daughter of one *Conway*, Parſon of a Poor Pariſh nam'd *Holkin* in the ſame County. His eldeſt Brother kept the ſame Ale-houſe as their Father had done before. When *William* had learn'd to read and write a little, he became a Servant to one *John Fiſher* in *Cheſhire*, who had ſome ſmall Smattering in the Law, and ſerved him ſeveral Years as his Clerk; during which time he learned the *Engliſh* Tongue, and was ſuffered, when his Maſter's buſineſs would allow it, to go to the Grammar School to learn Latin, wherein he made ſome ſmall Proficiency. He was obſerv'd while he lived in *Cheſhire* to be of a villainous Diſpoſition, he ran away from his Maſter ſeveral times, who when he caught him, chain'd, logg'd and clogg'd him: But at length about the Third Year of the Queen's Reign, he took his final leave of him, and going to *London* to ſeek his Fortune, he ſhifted from one Service to another, at laſt took the Character upon him of being a Gentleman of an Ancient Family, and pretended e-

ſpecially upon the Account of his Mother to be kin to Sir *John Conway*, and ſo to Mr. *Edmund Nevil*, who was a Relation of the Earl of *Weſtmorland*.

Putting himſelf thus forward in the World, it made way for his Marriage with a pretty wealthy Widow in *Southwales*, whoſe Subſtance he ſoon ſpent; ſo that running much in Debt, he had Officers ever after him to arreſt him: This put him upon matching with another Widow of the Name of *Heywood*, who was rich and had a good Joynture; but there was ſuch Inequality in their Age, that ſhe was old enough to be his Mother. Being thus ſet up again he liv'd with more Profuſeneſs than before, not only ill uſed his Wife, but debauch'd her Daughter. His Exceſſes ſoon brought him into Streights again, and becoming indebted to Mr. *Huge Hare*, who ſued him for the Money; *Parry* in a way of Revenge, went in the Night time to Mr. *Hare's* Chamber in the *Temple*, broke open his Door, aſſaulted and grievouſly wounded him to the endangering of his Life, for which Fact he was indicted of Burglary, and condemn'd to dye for it.

How or by whoſe Interceſſion he obtain'd her Majeſty's Pardon does not appear; he tarry'd not long in *England* after he had got his Liberty, but ſojourning beyond the Seas and having Conferences with Jeſuits and the like People, he engaged in a moſt villainous Deſign to Aſſaſſinate the Queen. Soon after his return, he endeavour'd to have private Acceſs to her Majeſty, pretending he had Things of very great Importance to Communicate to her; and being admitted to her

in an Appartment in *White-Hall*, wherein there was only but one Privy-Counſellor, and he at ſuch a diſtance, that he could not hear what *Parry* ſaid; he there diſcover'd to the Queen Part of the Conferences he had had with the Jeſuits and others, and eſpecially with one *Thomas Morgan* an *Engliſh* Fugitive reſiding at *Paris*, concerning the Aſſaſſination of her Royal Perſon, and that he did all this in order to diſcover to her the malicious Deſigns, and villainous Machinations of her Enemies. The Queen inſtead of puniſhing him for theſe wicked Practices, gave him Acceſs to her in Private, and frequently converſed with him, having conceived ſuch an Opinion of his Fidelity, that ſhe offered him a large Penſion; keeping the whole Secret within her own Breaſt, till ſuch time as he diſcovered the ſame to ſome of the Privy Council, and till it was found out, that he had endeavour'd to draw Mr. *Nevil* to be a Confederate in the Plot.

Nevil on his Part conceiving a great Horror for ſuch an ignoble and baſe Deſign, diſcovered at large what had paſſed between him and *Parry* to a Gentleman of good Quality belonging to the Court, who immediatly imparting the ſame to her Majeſty, ſhe order'd *Nevil* to be examin'd by the Earl of *Leiceſter* and Sir *Chriſtopher Hatton*, to whom he firmly avouch'd all he had ſaid to the Gentleman. Orders were hereupon given that *Parry* ſhould be ſent to the Secretary's Office, who purſuant to the Directions he receiv'd from above, gave him to underſtand, that her Majeſty in conſideration of the Reſpect he knew he had for *Parry*, and the Confidence *Parry*

seem'd to profess he had in Mr. Secretary, had pitch'd upon him on purpose to confer with him about an Affair which highly concern'd her, and that she did not doubt but he would discharge his Duty to her, according to the extraordinary Professions he had made to her. Then the Secretary told him that there was some ill Design against her Person quickly to be put in Execution, which she believed from the Confidence some of her most disaffected Subjects reposed in him, he could not but be acquainted with, and that therefore it was her Pleasure that he should tell him all he knew of that kind; and whether he himself had dropt Expressions to any Body, tho' with no other Intent than to sound his Disposition, which might raise a Suspicion as if he himself had harboured any such wicked Design. Now *Parry* utterly denying the matter with the greatest and most solemn Protestations, the Secretary told him, That there was a Gentleman of Quality and every way as good as himself, and rather his Friend than his Enemy, that would avouch it to his Face: *Parry* persisting still in the Justification of his Innocence, and that he knew nothing directly or indirectly of the matter, he lay that Night at the Secretary's House, and next Morning desiring to speak with him, he declared to the Secretary that he called to mind, he once had some Discourse with one *Nevil*, a Kinsman of his, as he call'd him, concerning a Point of Doctrine, in an Answer wrote to a Book, entitl'd, *The Execution of Justice in* England; by which Book it was resolv'd that it was Lawful to kill a Prince, in order to the Propagation of the Catholick

tholick Religion; but he proteſted they had no manner of Words concerning any Attempt againſt her Majeſty's Perſon. *Parry* the next Night was carry'd to the Earl of *Leiceſter*'s Houſe, and being there again examin'd by his Lordſhip, Mr. Vice-chamberlain and Mr. Secretary, he perſiſted in his Denial of all that was laid to his Charge; upon which *Nevil* being produced, he juſtify'd the Accuſation to his Face: But this was ſo far from bringing him to a Confeſſion, that he in a very haughty and inſolent manner oppoſed *Nevil*'s Reputation with his own, ſaying, That his Negative was as good as *Nevil*'s Affirmative, and would by way of Recrimination, lay the Crime at *Nevil*'s Door, who being commanded by the Committee to write down and ſign all that he had ſaid on that Occaſion; this was the Subſtance of his Narrative. That *William Parry* laſt Summer, ſoon after he had failed of obtaining the Maſterſhip of St. *Catherine*, went to Mr. *Nevil*'s Lodgings in *White-Fryers*, where he appear'd to be a great Malecontent, and bitterly inveighing againſt the Queen, aſſur'd him, *That while things ſtood as they were, he ſhould never have any Satisfaction of Mind*; *but ſeeing*, ſaid he, *I know you are of Noble Extract, and a Man of Reſolution, if you will give me Aſſurance either of concuring with me, or not to diſcover me, I'll ſhow you the only way to ſerve yourſelf.* *Nevil* having given him his Promiſe, and going according to Appointment next Day to *Parry*'s Houſe in *Fetter-Lane*, he found him a Bed, and ordering his Servants preſently to withdraw, he began thus: *My Lord*, for ſo he ſtil'd Mr. *Nevil*, *I proteſs before God, I have three Reaſons which chiefly induce me to en-*

gage in an Enterprize I design to discover to you and these are the restoring of Religion, Preferring th Scotch *Line, and the Advancement of Justice, strangely perverted during the present Administra tion.* Then he began to talk of such Places were most proper for letting in such Forei Forces as should be approv'd of, in order to th carrying on of such Designs as should b concerted. With this sort of Conversation th time was spent till Dinner, after which th Company being gone, he resumed the Di course, and said, *If I am not mistaken, the taki of* Queenborough *Castle would hinder the Queen Ships to get out of the River*; and finding I di not contradict him, he took Mr. *Nevil* by th Hand; *Tush*, said he, *this is nothing, if Men wer resolute there is an Enterprize of far greater Mo ment in view, and much easier to be executed; honourable Action, and meritorious in respect to G and the World.* Seeing Mr. *Nevil* desirous t know what that was, he did not boggle t say in plain Words, *It was to kill the Queen; which, if you will concur with me, I'll either lo my Life or rid my Country of her wicked and tyra nical Government.* Then observing Mr. *Nevi* displeased with such Works, he asked, *If h had read Dr.* Allen's *Book, out of which he cite Authority for it.* Mr *Nevil* answering, *No, a that he did not believe that Authority*; *Well*, sai he, *What will you say, if I shew a greater Auth rity than this from* Rome *itself, even a Plain Di pensation for killing her, wherein you shall find as I observ'd before, to be a meritorious Act?* M *Nevil* reply'd, *Good Cousin, when I see that I sh think it very strange, to find one Man count that meritorious Act, which another takes to be a damn ble one*; *Well*, said *Parry, do me the Favour to co*

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der of it till to Morrow; and if a certain Perſon in Town, I ſhall not fail to ſhew you the Inſtrument it ſelf, and if he is not, he will come in five or Days, and if you will meet me then in Canon-ow, *we may take the Sacrament together to be ue to one another, and then I will acquaint you th with the Party and the thing it ſelf.* Here Mr. *Nevil* deſired *Parry* to think better of it, s a thing of the laſt Importance both as to oul and Body. *I would to God*, ſaid *Parry*, *you re as fully ſatisfy'd in it as I am for then you ould undoubtedly do God good Service.*

About eight or ten Days after, *Parry* com-ng to viſit *Nevil* at his Lodgings in *Horn*'s ents in *Holborn*, as he often us'd to do, they ook a Walk into the Fields, where he re-ew'd his Reſolution to Aſſaſſinate the Queen, *Who*, he ſaid, *Did not deſerve to live*, and that e wonder'd Mr. *Nevil* was ſo ſcrupulous in he matter: *She has*, ſaid he, *ſought your Ruin, hy ſhould you not endeavour to revenge it?* That Mr. *Nevil* own'd his Caſe was hard, but that et he was not ſo deſperate as to Revenge it pon himſelf, which muſt needs be the Con-equence of ſo unlawful and impracticable an nterprize. *Impracticable*, quoth *Parry*, *I won-er at you, for in reality there is nothing eaſier; ou are no Courtier, and therefore know not her way f Walking with a ſmall Retinue, and often very rivately in the Garden, where I can eaſily have Ac-eſs to her, and you too when known at Court: Our uſineſs is to have a Barge at hand to whip us down he River, where we ſhall have a Ship ready to ranſport us out of the Kingdom, if there is Occaſion, ut I'll wager my Head upon it, we ſhall not be pur-ued far.* Here *Nevil* ask'd him, *How he would make his Eſcape out of the Garden*, ſaying, *he would*

would not be allow'd to carry any Men with him and then the Gates would be lock'd, and that he could not carry a Dag without being suspected. As for a Dag, said *Parry, I care not, my Dagger is enough, and for the matter of escaping, the Queen's Attendance will be so busy about her, that I cannot miss of an Opportunity to make my Escape, if you will be ready with the Barge to take me in. But if you are still of the Opinion, that this way is too dangerous, we'll stay till she comes to St.* James's, *and in the mean time provide Men and Horses fit for the Purpose: Cannot each of us keep eight or ten Men without being suspected? For my own part, I'll pick out such Fellows as will follow me without suspecting my Design; so many resolute Men, well provided every one with a Case of Pistols, can do wonders upon a surprize. If she has a hundred People about her, they shall not be able to defend her, when you on one side, and I on the other, come to discharge our Pistols at her; it would be strange we should both miss her: But if our Pistols fail, I shall labour hard with my Sword before she shall escape.*

Here Mr. *Edmund Nevil* interrupting him, said, *Pray, Good Doctor, lay aside the thoughts of this odious Enterprize, and let me hear no more of that which my Heart so much abhors; I wish to God the Undertaking were just, I would then shew you whether I wanted Courage or not.*

The Queen coming not long after to St. *James's*, *Parry* once more renewed his Discourse to him about assassinating her Majesty, perswading him with great Earnestness and Importunity to concur with him in it, saying, *He took him to be the only Man, upon the Account of his Valour, that was likely to perform it.* Here Mr. *Nevil* seeming as if he was more inclin'd to hearken to him than before, in Expectation

on he might be induced then to open his Mind to ſome body elſe, that might bear witneſs of the ſame as well as himſelf; this did not take effect. Laſtly, *Parry* on the 6*th* of *February* in the Afternoon, went to *Nevil*'s Chamber, and deſiring to ſpeak with him apart, they withdrew to the Window, where *Nevil* told him before, that a learned Man whom he met by Chance in the Fields, and to whom he put the Queſtion about the Aſſaſſination, anſwer'd, *It was a moſt villainous and damnable Enterprize*, and adviſed him to get clear of it. *Parry* then deſired to know what that Man's Name was, and what was become of him, ſaying in a ſcornful way, *No doubt he is a very wiſe Man, and you wiſer in believing him*; adding, *I hope you did not tell him I had any Inſtrument from* Rome *? Yes, indeed I did*, ſaid *Nevil*; he then reply'd, *I wiſh you had not named me, nor ſaid any thing about what I had from* Rome. Then he earneſtly preſs'd *Nevil* to go forthwith beyond Sea, promiſing to ſecure him a ſafe Paſſage into *Wales*, and from thence into *Bretagne*: But *Nevil* inſtead of that, reſolv'd to diſcharge his Conſcience, and to diſcover his moſt trayterous and horrid Deſigns againſt her Majeſty.

Parry for his Treaſons being committed Priſoner to the Tower, was on the 11*th* of *February* examin'd there by the Lord *Hunſdon*, Sir *Chriſtopher Hatton*, Vice-Chamberlain, and Sir *Francis Walſingham*, Secretary of State, and did voluntarily and without any Conſtraint, confeſs by Word of Mouth, and afterwards put down in Writing, and ſent to Court by the Lieutenant of the Tower, an Account of his Treaſons againſt the Queen to this effect.

In

IN the Year 1570, *I was Sworn one of her Majesty's Servants, whom till* 1580 *I serv'd, honour'd and lov'd with as much Sincerity and Respect as any poor Subject in the Kingdom. About the end of that Year and until* Midsummer 1582, *I underwent some trouble about wounding a Gentleman of the* Temple, *for which I was so disgrac'd and oppress'd by two Great Men, to whom nevertheless I have been lately beholden, that I have never had any Peace of Mind after; this laid the foundation of my Ruine. I endeavour d the* July *following, to get leave to Travel for Three Years, and having reach'd* Paris *in* September, *I was reconcil'd to the Church of* Rome, *and advised to behave my self inoffensively, and the rather, because the* English *Catholicks suspected I held a Correspondence with the greatest Man in* England; *so that I staid not long there, but removed to* Lyons, *which being the usual Passage between* Paris *and* Rome, *I was also suspected there; so that I went to* Milan, *where having discharg'd my Conscience, and justify'd my self in Point of Religion before the Inquisition; I remov'd to* Nice, *and there came acquainted with Father* Benedict Palmo, *a grave and learned Jesuit, with whom conferring about the Difficulties the Catholicks labour'd under in* England, *and the reading of some Books upon that Head, I devised a way for their Relief provided the Pope and some learned Divines would approve of the Justice of it. I propos'd it first to* Palmo, *who commended my Zeal, incourag'd me in it, and in some time brought me acquainted with* Campeggio, *the Pope's Nuncio in that City. Hereupon I wrote to the Pope, desired a safe Conduct to* Rome, *and so back into* France. *Cardinal* Com *sent me an Answer,* I might come and welcome

but I not thinking that ſufficient, deſired better Security, which not coming before my departure to Lyons, *I received in that City an ample Paſsport to go to* Rome, In verbo Pontificis per omnes Juriſdictiones Eccleſiaſticas, abſque Impedimento. *I acquainted ſome of the Fathers there, with the neceſſity I was under by Promiſe to ſet out for* Paris, *where, upon my Arrival, I found the* Engliſh *Catholicks had no manner of Miſtruſt of me as before, and being one Day in the Chamber of Sir* Thomas Morgan, *a Gentleman well beloved and much confided in on that ſide the Water, and talking among other Gentlemen there of the Affairs of* England, Morgan *deſired me to go along with him into another Room, and beginning to open his Mind to me, ſaid,* It was to be hoped and expected that I ſhould do ſome Service for God and his Church. *I made anſwer,* I would do it, tho' I were to kill the greateſt Subject in *England, whom I named to him, and then really hated.* No, no, *reply'd he,* let him live, that his Fall and the Ruin of his Family may be the more conſpicuous, I mean the Queen. *I readily chim'd in with him, and told him,* That might ſoon be done, if it could be Lawful, and warranted by the Sentiments of ſome learned Divines: *My Scruples being once remov'd, I vow'd to undertake the matter, in order to bring* England *back under the Obedience of the Apoſtolick See. Several Divines were propoſed to me, I rejected* Parſons, *approved of* Allen, *and accidentally came* Wats, *a learned Prieſt, to conſer with me about my Deſign; his Perſon having only alter d the Caſe in Name, declared openly and without reſerve,* That it was unlawful, *and I have heard that ſeveral* Engliſh *Prieſts concurred with him in their Opinions, unleſs they have altered them ſince the Publication of* An

Anſwer

Answer of the Execution of the *English* Justice *which I must confess bears hard upon me, and I a afraid will do the same with others, without the C tholicks are more tenderly used in* England: *B notwithstanding any Doubts remaining in my Min I was engag'd so far by Letters and other ways and from* Italy, *that I could not recede from m Engagements, but promis'd faithfully to proceed wit the intended Enterprize, upon condition the Po granted me the full Remission of my Sins.*

Having communicated at one Altar with the Ca dinals de Vendosme *and* Narbonne, *and procur Certificates from them to the Pope,* Morgan *intr duc'd me to the Nuncio* Ragazzoni, *who havi undertaken to send my Letters and the inclos'd Cert ficate to* Rome, *wish'd me good success, and pr mis'd I should be remember'd at the Altar. Som Discourse I had with* Morgan *about communicati this Design to some Trusty Person, for the better Fu therance of it: Several were named, but none agre on for fear of a Discovery; only he assured me, th the Lord* Fernihurst, *then at* Paris, *should so after my Departure, go for* Scotland, *and be re dy upon the first Information of the Queen's Dea to enter* England *with* 20 *or* 30000 *Men to defe the Cause of the Queen of* Scots.

Being returned to England, *I procured Acces the Queen, to whom in private I discovered t whole Conspiracy, tho' I cloak'd it with the best A I could: She heard me without being daunted. departed from her not without being terrify'd, a cannot now forget what she then said,* That no C tholicks should be called in Question meer for Religion or the Pope's Supremacy, provi ed they approved themselves good Subjects. *the mean while as I was daily solliciting at Court the Mastership of St.* Catherine's, *I received L*

ters from Cardinal de Como, *wherein my Enter-prize was commended, and my self, in the Pope's Name, absolv'd. These Letters I imparted to the Queen; what Effect they wrought upon her I know not, to me they certainly added Courage, and took off all manner of Scruple; and yet I was not resolv'd to offer her any Violence, if she could by any means be perswaded to deal more favourably with the Catholicks; and therefore, least I should commit the Murder, I laid my Dagger aside as often as I had Access to her Person. When I seriously consider'd her and her truly Royal Vertues, I was distracted with dubious Thoughts, for my Vows were recorded in Heaven, my Letters and Promises among Men: These things I often ponder'd with an unquiet Mind,* I never was beholden to her for any thing; Have I not spent Ten Thousand Marks since I came into her Service, and never got any thing by her? My Life indeed she once par-don'd, but to have taken it away upon that occasion had been Cruel and Tyrannical.

Hereupon I departed from the Court, very much dissatisfy'd with my Condition: I lighted upon Doctor Allen's *Book, wherein he asserted,* That Princes excommunicated for Heresy, were to be de-prived of their Dominions and Lives, *which Book mightily incited me to prosecute my Enterprize. This Book I read to* Nevil, *who had had his Fin-gers often in my Dish, and his Hand in my Purse, six whole Months before he accused me. He came afterwards to me and said,* Let us venture on somewhat, since we can get nothing from the Queen, *and he made several Proposals about setting the Queen of* Scots *at Liberty:* But I have, *said* I greater things in my Head, and of more advantage to the Catholick Cause. *Next Day he came and swore upon the Bible,* That he would conceal

conceal and constantly pursue any thing that should be for the Good of the Catholick Religion, *and I swore the like. We then resolv'd with Ten Horsemen to set upon the Queen, as she rode out to take the Air, and to Murder her; all which* Nevil *conceal'd till now: But having heard that the Earl of* Westmoreland *was dead, whose Estate he had already swallow'd in his Imagination, he presently broke his Oath, and accused me of these things: He acknowledg'd also his Fault, begg'd pardon for the same in his Letters to the Queen, the Lord Treasurer* Burleigh, *and the Earl of* Leicester.

It's time now after all this Confession, and the producing of a Copy of Cardinal *Como's* Letter to him, to corroborate the Design, to come to the Formality of his Trial. He was arraign'd on the 25*th* of *February* 1584, at the Queen's-Bench-Bar in *Westminster-Hall*, by virtue of her Majesty's Commission of *Oyer* and *Terminer*; before

Henry, Lord *Hunsdon*, Governor of *Berwick*.
Sir *Francis Knolles*, Treasurer of the Houshold.
Sir *James Crofts*, Comptroller of the Houshold.
Sir *Christopher Hatton*, Vice-Chamberlain.
Sir *Christopher Wray*, Lord Chief Justice of *England*.
Sir *Gilbert Gerrard*, Master of the Rolls.
Sir *Edmund Anderson*, Lord Chief Justice of the Common Pleas.
Sir *Roger Manhood*, Lord Chief Baron of the Exchequer.
Sir *Thomas Heneage*, Treasurer of the Chamber.

Aft

After Proclamation was made as uſual, the Lieutenant of the Tower was commanded to return his Precept, which he did, and brought the Priſoner to the Bar,, to whom *Miles Sands*, Eſq; Clerk of the Crown, ſaid, William Parry, *Hold up thy Hand*, which he did ; then the Clerk went on, *Thou art here Indicted by the Oaths of Twelve good and lawful Men of the County of* Middleſex, *before Sir* Chriſtopher Wray, *Kt. and others, before whom you are received in the Indictment, by the Name of* William Parry, *late of* London, *Gentleman*, alias William Parry, *late of* London, *Doctor of Law* ; *for that you, as a falſe Traytor to a moſt magnificent and truly Chriſtian Princeſs, Queen* Elizabeth, *our moſt gracious Sovereign and Liege Lady, not having the Fear of God before your Eyes, and without any Regard to your Allegiance, but ſeduc'd by the Inſtigation of the Devil, and intending to withdraw and extinguiſh that hearty Affection and juſt Obedience, which true and faithful Subjects ſhould bear to their Sovereign, did at* Weſtminſter, *in the County of* Middleſex, *on the Firſt of* February, *in the Six and Twentieth Year of her Majeſty's Reign, and at ſeveral other Times and Places in the ſame County, maliciouſly and trayterouſly conſpire and compaſs, not only to deprive and depoſe our ſaid Sovereign Lady from her Royal State, Title and Dignity, but alſo to Murder and Deſtroy her, and to raiſe Sedition in the Kingdom, to ſubvert the Government thereof, and to ſubvert and ſupplant the Religion eſtabliſh'd in the Queen's Dominions.*

And whereas you have by your Letters to Gregory, *Biſhop of* Rome, *imparted your aforeſaid Purpoſes and Deſigns, and at the ſame time pray'd and deſir'd him to give you Abſolution, and that afterwards,*

wards, viz. *on the last of* March, *in the* 26*th* Ye
aforesaid, you trayterously received Letters from
Cardinal Como, *directed to you, by which the sa*
Cardinal gave you to understand, that the Bishop
Rome *had perused your Letters, and approved*
your Design, and upon that account had absolved y
of all your Sins, and by the same Letter anima
and excited you to carry on your Enterprize, a
that thereupon you did on the last of August,
the same Year of her Majesty's Reign, at St. Gi
in the Fields, *in the said County of* Middlese
trayterously confer with Edmund Nevil, E
and communicated to him all your wicked and t
terous Devices, and then and there excited hi
be assistant to and concur with you in the Perpetr
on of those wicked Treasons, against the Peac
our Sovereign Lady the Queen, her Crown and D
nity. What say you, William Parry, *Are*
Guilty of those Treasons whereof you here stand
dicted, or Not Guilty?

The Indictment being thus read, the
soner desired he might have leave to spe
few Words, before he pleaded or confe
himself Guilty; which being allow'd,
having made his Obeysance, he began t
God save Queen Elizabeth, *and give me Gr*
discharge my Duty to her, and to send you hom
Charity: But as to the Facts of which I am h
ed, some of them were in one place, and some
nother, and done so secretly, that no Body cou
them, but him that is the Seer of all Things;
fore I will not lay my Blood at the Door of the
but am disposed to confess the Indictment,
desire first to be inform'd, whether it consists
Parts that have been publickly read? And
answer'd in the Affirmative and of no

the Clerk of the Crown ſaid Parry, Parry, *you muſt anſwer directly to the Indictment, and ſay whether you are Guilty or not?*

The Priſoner hereupon ſaid, *I confeſs I am guilty of all that is contained therein*; and added, *I do not deſire to live but die. If you confeſs the Charge*, ſaid the Clerk of the Crown, *you muſt do it in the ſame Form and Manner as comprehended in the Indictment.* To which he reply'd, *I do confeſs it in the Manner and Form as ſet down and all the Circumſtances of it.* Then the Confeſſion being ready, and the Queen's Council ready to demand Judgment upon it: Mr. Vice-Chamberlain ſaid, *The things contained in this Indictment, and confeſſed by this Perſon, are of ſo great Importance, that they concern the Perſon of the Queen's moſt excellent Majeſty in the higheſt degree, the State and Well-being of the Government, and the true Chriſtian Religion ſettled in her Dominions, as they plainly demonſtrate the implacable hatred of the Biſhop of* Rome, *who has ſhewn himſelf an Enemy to God and Religion, to all good Princes and Governments, and indeed to all good Men; and therefore I deſire for the Satisfaction of the Auditory, that Things may be put into their full Light, that every Body may ſee they are as bad as the Indictment ſets them forth, and as the Priſoner has confeſſed them.*

The Court well knowing, that the Juſtice of the Nation had of late been very impudently and moſt unlawfully Cenſur'd, readily concurr'd with the Motion, tho' his Confeſſion, in the Eye of the Law, was ſufficient to authorize them to proceed to Judgment: Wherefore the Lords and others that were the Commiſſioners together with the Queen's Council, and the Priſoner himſelf, agreed that

his Confession of the 11*th* and 13*th* of *February* 1584 before the Lord *Hunsdon*, Mr. Vice Chamberlain, and the Secretary of State, Cardinal *Como*'s Letters, and *Parry*'s Letters to the Lord Treasurer and the Lord Steward should be read in open Court; and *Parry*, in order to the fuller satisfaction of all there present, offer'd to read them himself: But being told, that was the Business of the Clerk of the Crown, he acquiesc'd. Here the Vice Chamberlain having order'd the Prisoner's Confession, the Cardinal's Letters, and his own aforemention'd to be shew'd him, he look'd them over carefully Leaf by Leaf, confess'd and own'd them in open Court.

Then the Vice-Chamberlain said, *Before we proceed to shew what he has confess'd, What do you say, you that is the Prisoner at the Bar? Is what you have here Confess'd true? And have you freely of your own Accord confess'd it, or was there any Violence us'd to extort it from you? Verily, said Parry, I freely have made this Confession, without any manner of Restraint; and 'tis all true and more too, for there has been no Treason since the first Year of the Queen's Reign, any way relating to Religion, except the receiving of* Agnus Dei's, *and the inducing of others, wherein I have not much immeddled, but I have Transgress'd, nay, I have given my Opinion in Writing, concerning the Succession of the Crown, which I own also to be Treason.*

Then the Prisoner's Confession under his own Hand, was openly and distinctly read by the Clerk of the Crown in Court, after which Cardinal *Como*'s Letter in *Italian*, was by the Direction of the Vice-Chamberlain delivered to *Parry*, who perus'd it and openly affirm'd it to be the Cardinal's own Hand and S

with the Cardinal's Cap upon it: Now he himſelf reading it aloud in *Italian*, and the Court obſerving Words in it, which imported it was writ to a Biſhop or a Perſon of ſuch Dignity, the Vice-Chamberlain ask'd him, *If he had not been made a Biſhop?* He anſwer'd, *No*, and ſaid at firſt, *That theſe were Terms ſuitable to the Degree he had taken*, but afterwards added, *That the Cardinal thought fit to write to him in that manner out of the Reſpect he bore to him.* The *Engliſh* Tranſlation of the Cardinal's Letter was next read, and acknowledg'd by the Priſoner to be a genuine Verſion, and laſt of all, his own Letters to the Lord Treaſurer and Lord Steward, which he alſo acknowledg'd to be his Hand writing.

Here indeed comes a ſtrange Turn after ſo many open Confeſſions, and makes the Tryal of this Man exceeding remarkable, that he ſhould now begin to prevaricate and deny the Fact. He firſt deſired leave of the Court to ſpeak, to which the Vice-Chamberlain reply'd, *If you have any thing to offer for a fuller Demonſtration of the horrible Facts you are guilty of, proceed: But if you intend to make any Excuſe about the things you have confeſs'd, which otherwiſe would have been and are proved againſt you, for my own part I'll not ſit to hear you.* Then the Attorney General ſtanding up, ſaid, *It appears before your Lordſhips, that this Man has been indicted and arraign'd of ſeveral moſt greivous and horrible Treaſons, which he has Confeſs'd, and they are entred upon Record; therefore there remains no more to be done, but for the Court to paſs Sentence accordingly, which I do in Behalf of the Queen's Majeſty here demand.* The Priſoner hereupon pray'd to be heard for the clearing of his Conſcience, and

said, *I will not go about to excuse my self, nor endeavour to save my Life, I value it not, you have my Confession upon Record, that is enough to take away my Life; my design is to offer something more, for which I deserve to die. Pray hear, that I may disburthen my Conscience.* To which the Vice-Chamberlain reply'd, Parry, *do thy Duty, clear thy Conscience, and leave nothing undiscover'd of thy wicked and villainous Purposes.*

He now went on, *My Cause is rare, singular and unnatural; It was projected at* Venice *in general Expressions, laid before the Pope, resolv'd on at* Paris, *commended and approved by the Pope, and was to have been executed in* England, *yet I never intended to Murder the Queen, for which I appeal to her self, the Lord Treasurer and Secretary of State.* Hereupon the Lord *Hunsdon* interrupting him, said, *Have you so often acknowledg'd it, and so distinctly under your own Hand, which is here upon Record, and yet now, when Sentence is to pass upon you, pursuant to your own Confession, will you recede from it, and deny the whole? How can we believe what you say?*

Then said the Vice-Chamberlain, *This is an Absurdity indeed, have you not only confess'd in general Terms, that you were guilty of the Indictment, which summarily and in express Words set forth how you had trayterously compassed and imagined the Queen's Death and Destruction, but also own'd particularly that you were guilty of all and singular the Treasons contain'd therein, of which there was One expresly mention'd and read to you: Nay you said,* You were Guilty of more Treason besides. *And did you not upon your Examination freely confess, how you were first incited to it from a Dissatisfaction with your Condition, after you had quitted the Kingdom; and that you were displeased with*

with her Majesty because she had done Nothing for you. How you were perswaded by wicked Papists, and induced by the reading of Popish Books to believe it to be lawful to Murder her? How by your Reconciliation with the Church of Rome, *you were become one of that wicked Crew, who accounted her Majesty to be neither a lawful Queen nor a Christian? And that it was a meritorious Act to destroy her. And did you not write to the Pope to let him know your Intention, and received Letters from the Cardinal, importing the Pope's Approbation of it, and exciting you to perpetrate the Fact, upon which you desired Absolution? And did you not contrive promise, vow and swear it, and took the Sacrament upon it? Did you not thereupon affirm, that your Vows were in Heaven, and your Letters and Promises upon Earth to oblige you to it? And that whatever the Queen would have done for you, would never have diverted you from your Intentions and Purposes, unless she would have desist'd from her Severities to the Catholicks, as you call them? This you have plainly confessed; and I do declare in the Presence of the whole Assembly that you have confess'd it plainer and in better Terms, than my Memory can supply me with, and do you now say, that you never intended it?*

Ah, said the Prisoner, *Your Honours know how my Confession was extorted from me upon my Examination.* This made the Lord *Hunsdon* and the Vice-Chamberlain openly declare, That there was no Torture nor Threats used to him: But *Parry* reply'd, That they told him, if he did not make a Voluntary Confession, he should be tortur'd. They made Answer, That there was not one Word said to him about torturing at all. *You said,* quoth *Parry, that you would proceed with Rigour against me, if I would not confess of my own Accord*; which their

Honours positively deny'd; but said the Vice-Chamberlain, *We'll tell you what we spoke; these were my Words, if you will readily tell the Truth of yourself, it may do you Service, and I desire you would do so; if you will not, we must then proceed in the usual Method to take your Examination; to which you answer'd that you would of your self tell the Truth. Was not this True?* The Prisoner having acknowledged it, the Attorney-General reminded *Parry* of the Expressions he had used to the Lieutenant of the *Tower*, Queen's Sergeant at Law, Mr. *Gandy*, and to himself, on the 20th of *February* last in the *Tower*, when he was examined by them there, according to the Lords Order, which was thus: *That he acknowledged that he was most gently and favourably used in all his Examinations, and he then at the Bar owned the same to be true.*

Then Mr. Vice-Chamberlain said, *That the Queen's Magnanimity could not but be sufficiently admired, that after you had detected your own trayterous Practices so far, as to set it down in your Confession; yet she was so remote from fear, that she would not acquaint any one of her Privy Council with it, to his Knowledge. But besides, what you have own'd under your own Hand, you did confess you had procured two* Scotch *Daggers, with which you design'd to perform the Work; but that having disposed of them, you said another would serve your Turn. Moreover, did you not confess before us, how wonderfully you were amazed and struck at the Queen's Presence last Summer at* Hampton-Court, *saying,* That you thought you beheld the very Picture of *Henry* VII. in her? *And that thereupon, and upon some Expressions which came from her Majesty, you turn'd about and wept bitterly; but that yet you recollected your Vows which were in Heaven,*

Heaven, and your Letters and Promiſes upon Earth, and therefore ſaid to yourſelf, there was no Remedy but you muſt do it. Did you not confeſs this?

The Priſoner having acknowledged this, the Lord *Hunſdon* ſpoke next to this effect: *Do you ſay now that you never intended to kill the Queen? Did you not confeſs that when you diſcover'd theſe treacherous Practices to her Majeſty, that you put all the artful Gloſs imaginable upon it, and this rather out of an Intent to obtain Acceſs to, and credit with her, than any Regard you had for the ſafety of her Perſon? But in reality you did it, that you might thereby have a better Opportunity to perpetrate your trayterous Deſigns; and would you have been ſubjected to ſuch terrible frights, as you confeſs'd had ſeized you, when you diſcovered them, if you had never intended any ſuch thing? What can you ſay in your own Juſtification?* Here the Priſoner in a Rage cry'd out, *I never intended to kill her; I'll lay my Blood upon the Queen and you, before God and the World.* And then flying out into Paſſions, and abuſing the Attorney-General; the Lord *Hunſdon* ſaid, *This is nothing but a Popiſh Pride and Oſtentation, in order to make thoſe of thy Faction and Party to believe, that you are put to Death for your Religion, whereas you are to ſuffer for a moſt horrible and dangerous Conſpiracy againſt your Queen and Country. As for your Blood, you ought to lay that at your own Door, as the juſt Reward of Wickedneſs; you are according to your own Confeſſion moſt juſtly condemned by the Laws of the Land, for Conſpiring the Death of the Queen and all of us: Therefore let thy Blood be upon thy ſelf; neither the Queen nor we have ever ſought it, thou ſpill'ſt it thy ſelf.*

Here he was ask'd what he could ſay why Sentence of Death ſhould not be paſs'd upon him; he anſwer'd, *He ſaw he muſt dye, becauſe he*

he was not settled. What do you mean by that, said the Vice-Chamberlain? *Look,* said he, *into your Study, and into your new Books, and you will find what I mean. I protest,* said the Vice-Chamberlain, *I do not know what you mean: You do not do well to use such dark Expressions, without explaining yourself.* But he said he did not value Death, and that he would lay his Blood amongst them. Then the Lord Chief Justice being required to give Judgment according to Law, said to *Parry, You have been long heard, and what you mean by being settled, I do not understand, but I find you are so settled in Popery, that you cannot find yourself to be a good Subject. As for what you have said concerning the Delay of passing Sentence upon you, you must either bring Proof that the Indictment, which you have confessed to be true, is defective in Law, or else plead something in reference to her Majesty's Clemency; what you have said besides, wherein you have used great Freedom, is more than you could have demanded by Law. These are the things that lye before you.* And the Prisoner making no reply to his Lordship, upon his asking him what he had to say to them; The Chief Justice went on thus: Parry, *you have already been indicted of several horrible and vile Treasons against your most gracious Sovereign and Native Country; nothing more detestable than the matter of it, more subtile and dangerous than the manner of it, and more wicked and villainous than the Means and Occasion, which lead thee to it. That you intended it is very evident from your own Confession; the matter you went upon was the Destruction of the Sacred Person of the Queen your Sovereign and Mistress, who had shewn you so much favour, and more than some of your Betters could obtain; yea, the Ruine of your Native Country, and of a most*

happy

appy Government of which you are a Member, and of such a Queen who has confer'd upon you the greatest Bleſſings in this World, I mean your Life, which by Law you had forfeited, thro' her Clemency; and yet you, who was her Servant, Sworn to defend her, conſpired to take away her Life with your bloody Hands, who in Mercy gave you yours.

As to the manner, it was moſt ſubtile and dangerous and you have exceeded all that have form'd any Conſpiracy againſt her Majeſty before you; for you pretended only to make Diſcovery of the evil Deſigns of others againſt her, with an Intention to have the freer Acceſs to, and to obtain greater Credit with her Majeſty, that you might have the better Opportunity to aſſaſſinate her. Laſtly, for the Means and Occaſions that egged thee on, they were moſt Impious and Villainous; being the Exhortations of the Pope, Papiſts and Popiſh Books: The Pope pretends to be a Paſtor, but in reality is ſo far from feeding Chriſt's Flock, that he rather ſeeks like a Wolf to devour and ſuck the Blood of good Chriſtians, and does as it were thirſt for that of our moſt gracious Queen and Sovereign. Now theſe Papiſts, while they pretend to write Divinity, do in reality moſt wickedly teach and inforce what is quite contrary to God and his Word; for the Scripture teaches Subjects to obey their Princes, and forbids any private Man to kill; but they inſtruct Subjects to diſobey their Princes, and that a private wicked Perſon may kill, and who I pray? A moſt pious Queen, and their own natural and moſt gracious Sovereign. Let every body therefore beware how they receive any thing from them, hear or read any of their Books, and how they confer with any of the Popiſh Religion. God grant that her Majeſty may always take warning from you, how ſhe truſts ſuch People to approach her Perſon.

If

If you will but consider the End you aimed at in this, you will find it to be wretched and foolish, you imagined it was to relieve those you call Catholicks, who of all others were the most likely to suffer most, if you had compassed your wicked Design. But seeing you have been indicted of the Treasons laid in the Indictment, and arraigned upon it, and have owned yourself guilty of them; the Court does award, that you shall be convey'd from hence to the Place from whence you came, and so drawn thro' the high Streets of London *to the Place of Execution and there be hang'd and cut down alive, thy Privy Parts to be cut off, and thy Entrails taken out and burnt before thy Face, then thy Head to be cut off, and thy Body quartered, and to be disposed off, as her Majesty shall think fit, and the Lord have mercy on thy Soul.*

The Prisoner was still outrageous and lavish of his Words, and among other extravagant Expressions, summoned the Queen to Answer for his Blood before the Tribunal of God. Upon which the Lieutenant of the *Tower* was commanded to take him away from the Bar, and upon his Departure, the People being deeply affected with Horror of his intended Enterprize, ceased not to pursue him with their out-crys, *Away with the Traytor, away with him.*

Being convey'd in a Barge to the *Tower*, he was on the 2d of *March*, pursuant to a Warrant from the same Commissioners of *Oyer* and *Terminer*, delivered by the Lieutenant early in the Morning to the Sheriffs of *London* and *Middlesex*, who received him on *Tower-Hill*, and according to the Sentence having placed him on a Hurdle, he was drawn thro' the midst of the City to the Pallace Yard in *West-*

minster

minſter, where having a long while allow'd him to prepare for Death, he moſt maliciouſly and impudently averred, after ſome other vain Expreſſions, he never had any Intention to Murder the Queen; and ſo without deſiring People to Pray for him, or uſing any Publick Prayer by himſelf, by any thing that appear'd, but only a Private Prayer, if he uſed any, he was executed according to the Tenour of the Sentence paſſed upon him.

Having gone thro' this moſt Remarkable Tryal, and the Execution of the Traytor, it may not be unpleaſing to ſome of our Readers, if we preſent them with a Specimen of the Poetry of thoſe Times in the following Epigram made upon him.

William Parry
Was *Ap Harry*,
By his Name,
From the Ale-houſe
To the Gallows
Grew his Fame.

Gotten *Weſtward*
On a Baſtard
As is thought;
Wherefore one way
Kin to *Conway*,
Had he ſought.

Like a Beaſt
With Inceſt,
He began:
Mother marry'd
Daughter carry'd
Him a Son.

Much he borrow'd
Which he ſorrow'd
To repay:
Hare his Good,
Bought with Blood
As they ſay;

Yet for Payment
Had Arraignment
Of his Detter.
She that gave him,
Life to ſave him
Hang'd a better.

Parry's Pardon
Thought no Guardon
For his Worth;
Wherefore ſought,
That he mought
Travel forth.

Which

Which obtain'd,
He remain'd
As before;
And with Rashness,
Shew'd his Bashness
More and more.

But his Gifts,
Were but shifts
Void of Grace.
And his Bravery,
Was but Knavery,
Vile and base.

He did enter,
To adventer
Ev'n her Death,
By whose Favor,
He did ever
Draw his Breath.

Wales did bear him,
France did Swear him
To the Pope;
Venice wrought him,
London brought him
To the Rope;

It was pitty,
One so witty
Male-content.
Leaving Reason,
Should to Treason,
So be bent.

Wherewith strangled
And then mangled
Being dead;
Paul's supporters
Of his Quarters,
And his Head.

A Law Suit determined by Combat between the Plantiff and Defendant's Champions.

ANother ſort of Duel or Combat, beſides thoſe taken notice of before, in *England* was adjudged before the Judges at Common Law, but they were to engage with Foins or Weapons rebated, ſince they contended only for Right and Victory; and yet by any thing that appears to the contrary, they might uſe their Arms ſo effectually as to be the Death of one another.

In a Writ of Right the iſſue of the Cauſe is either caſt upon a Duel, or upon the Inqueſt and Oath of good and lawful Men, called an *Aſſize*. Both theſe Methods of purſuing one's Rights, are unuſual at this time of the Day, but eſpecially that of *Duelling*. However, it happened to be revived in the manner following, in the 13th Year of Queen *Elizabeth*, in *Trinity Term*, at which the Lawyers were very much troubled and concern'd.

Simon Low and *John Kime* took out a Writ againſt *Thomas Paramore* for a Mannor, and ſome Lands lying in the Iſle of *Harty*, near the Iſle of *Sheppey* in the County of *Kent*; *Paramore* offered to defend his Title by Duel, to which the Plantiffs agreed. Upon this *Paramore* produces one *George Thorn* for his Champion, a ſtrong well ſet Fellow, before the Judges of the Common Pleas; the Plantiffs producing one *Henry Nailer*, a Fencing-Maſter, and a Servant of *Robert Dudley*, Earl of *Leiceſter*

ster, not so tall as the other, but a very nim
ble Fellow. *Thorn* by way of Challenge throw
down an Iron Gauntlet, which *Nailer* im
mediately took up, in Token of his accepting
the Duel; upon this, both of them gave i
Bail, and made Oath, that upon the nex
Monday, *Post Crastinum Trinitatis*, they woul
fight the Duel in *Tuttle-Fields* near *Westmi
ster*. In the mean time, by her Majesty's Or
der, who was not willing they should cut on
another Throats, the Controversy was take
up; the Agreement being made that *Paramo
should remain possessed of all the Lands i
Dispute, the Plantiffs receiving the consider
tion of a certain Sum of Money: Now th
Paramore's Title might not receive any Prej
dice, it was thought fit to carry on all th
Solemnity of the Duel, and that the Bail, wh
were bound to produce the Champions, shou
appear according to Custom, and that t
Plantiffs being called at last, should make
Default and be nonsuited for not appearin

Against the Day assigned for the Comb
there was a little Square railed in, in *Tutt
Fields* above-mention'd, each side of the Squ
being Twenty one Yards in length; the B
were double as in the Cases above-mention
the better to keep in the Champions, and
keep out the Crowd. Upon the West s
there was a Scaffold erected with a Bench, l
that in the Court in *Westminster-Hall*, and
namented in the same manner to receive
Judges and others belonging to the Co
The other sides were filled with Benches
Seats for the Spectators, much like a Pl
house. At the Back of the Judges Bench, th
were two Tents set up, one for *Nailer* and
ot

other for *Thorn*. The Day they were to fight, *Nailer* was dreſs'd in a Silk-Scarlet Doublet and Breeches, with a Sattin Cap, Feathers and Saſh of the ſame colour; and having Trumpets and Drums before him, walked the Streets of *London* in a very martial and enterprizing manner; *Thorn*'s Gauntlet was carry'd before him upon a Sword's Point, and one *Aſkam*, a Yeoman of the Guards, likewiſe carryed a Truncheon of about an Ell long, tipt with Horn, with which he was to Fight; there was alſo a Leather Shield carry'd among the Equipage. In this formidable fighting Poſture he goes into *Tuttle-Fields*, being received by Sir *Jerom Bows*, Kt. and convey'd to his Tent; *Thorn* being before placed in his Tent by Sir *Henry Cheney*.

About Ten a Clock the Court of *Common Pleas* adjourned from *Weſtminſter-Hall* to the new Martial's Bench, with the uſual Ceremony; the Lord Chief Jeſtice of the *Common Pleas*, and the reſt of the Judges ſeating themſelves upon that Bench. The Sergeants at Law likewiſe ſtanding in their Places, and appearing in their Scarlet Habits. The Cryer, after having cry'd thrice, *Silence in the Court*, calls for the Plantiffs, who not appearing, the Bail of *Henry Nailer* are ſummoned, and order'd to produce *Henry* aforeſaid, the Plantiff's Champion. Then upon the Left Hand of the Judges Bench, *Nailer* enters the Liſts, *Bare leg'd from the Knee down-wards, and bare headed.* (as the chief Juſtice *Dier* who ſate upon the Bench words it.)

In this manner he was introduced by Sir *Jerom Bows*, who carry'd his Truncheon, and led him by the ſides of the Rails, till he came

over-against the Judges, and here he made his Honours, and walked up softly towards the middle, where he made another Reverence; and then coming up to the Bar, he makes a third Bow; having his Shield held over his Head by a Person behind him, and thus being ready for the Encounter, he was ordered by the Court to stand by on the Right Hand.

This being done, *George Thorn*'s Bail were called for, and order'd to bring him into Court; upon this Sir *Henry Cheney* entring the Lists on the Right side, with the Ceremony above mention'd, and leading the said *George* about the Ring brought him to the Bar, where he was order'd by the Court to stand by on the Left Hand.

Then the Cryer, after Silence in the Court, made Proclamation in these Words: *The Judges in the Queen's Majesty's Name command, that no Person of what Estate, Condition or Quality he be present, should be so bold as to give any token or sign, by his Countenance, Speech or Behavior either to the Appellant or Defendant, whereby either of them might have any Advantage over the other, and that every Person or Persons should keep their Staves and Weapons to themselves, and not suffer either the said Appellant or Defendant to take any of their Weapons or any thing else, that might be of any Advantage either to the Appellant or Defendant, upon Pain of forfeiture of Land, Tenements, Goods, Chattles, Imprisonment and Fines.*

This done, the Appellant was to take an Oath in the Court, the Form whereof here follows: *This hear, ye Judges, that I have this Day neither Eat, Drank, nor have about me either Bone, Stone or Glass, or any Enchantment, Sorcery or Witchcraft*

Witchcraft, by which the Power of God's Word might be diminiſhed or inſured, and that of the Devil augmented, and my Appeal is true, So help me God, &c.

It ſeems there was no occaſion for the adminiſtring of this Oath, the Buſineſs being to be decided after another manner than by Combat; and therefore the Plantiffs were now ſummon'd in, and not appearing upon the laſt and peremptory Summons, one of the Sergeants of Counſel for *Paramore*, deſired their Default might be recorded. This being done, the Chief Juſtice gave an Account of the Hiſtory and Progreſs of the Cauſe, declared the Plantiffs to have failed in their Appearance, and therefore gave the Land to *Paramore*, and ſo diſcharged the Champions and their Bail.

The Chief Juſtice alſo requir'd *Henry Nailer* to return *George Thorn*'s Gauntlet; upon which *Nailer* anſwer'd, That his Lordſhip might command him to do what he pleaſed, but he had no Inclination to return the Gauntlet, unleſs *Thorn* could win it; adding, That he challenged *Thorn* to play with him half a Score Blows for the Diverſion of the Judges and Spectators; but *Thorn* replying, He came thither to Fight and not to Play; the Chief Juſtice commended *Nailer* for his Courage, and ſo commanding them both peaceably to depart the Field, broke up the Court.

The History of the Tryal of Mary, *Queen of* Scots, *for conspiring the Death of Queen* Elizabeth, *&c.* Anno. 1586.

THIS Queen having been dethroned by her own Subjects, and flying into *England* for Refuge, she continued under Confinement many Years; but having entred into Plots and Conspiracies against Queen *Elizabeth*, the Privy-Council vary'd in their Opinions, what should be done to her on that Account: Some thought that no new rigorous Course was to be taken with her, but only that she should be put under a closer Confinement, both because she was not the Author of the Mischief, but only accessary to it, but also because she was sickly and not likely to live long: Others were of Opinion, that for the Security and Preservation of our Religion, she was forthwith to be put to Death, and that by due Course of Law. The Earl of *Leicester* thought 'twas best to do be done by a Dose of Poyson, and sent a Divine privately to Sir *Francis Walsingham*, Secretary of State, to satisfy him as to the Lawfulness of it; but *Walsingham* protested, that he was so far from consenting that any Violence should be offered her, that he had but lately thwarted the Advice of the Earl of *Morton*, who would have her sent back into *Scotland*, and put to Death on the Frontiers of that Kingdom.

The

The Lords differed likewiſe in their Opinions, as to what Law ſhe ſhould be try'd by; whether by the Statute of the 25th of *Edward* III. (whereby he is made guilty of Treaſon, who ſhall compaſs or imagine the Deſtruction of the King or Queen, raiſe War in his or her Kingdom or adhere to his or her Enemies) or by the late Act of the 27th of Queen *Elizabeth*. After a long diſcuſſion of the matter, it was carry'd for the latter Act, as being made for that very Purpoſe and Occaſion, and therefore to be put in Execution.

To the end therefore that Proceſs might be made, and Sentence pronounced according to this Act made the preceding Year, againſt all ſuch as ſhould raiſe Rebellion, invade the Kingdom, or attempt any Violence to the Queen's Perſon; ſeveral of the Privy Council and others of the Nobility of *England*, were made Commiſſioners by the Queen's Patent for her Tryal, whoſe Names I have thought fit to inſert out of the very Original, which runs thus in the ordinary Form of the Court:

ELizabeth, by the Grace of God, of *England*, *France* and *Ireland*, Queen, Defender of the Faith. To the moſt Reverend Father in Chriſt, *John*, Archbiſhop of *Canterbury*, Primate and Metropolitan of all *England*, and one of our Privy Council; and to our truſty and well beloved Sir *Thomas Bromley*, Kt. Chancellor of *England*, and one of our Privy Council; and alſo to our truſty and well beloved *William*, Lord *Burleigh*, Lord High Treaſurer of *England*, another of our Privy Council; and alſo to our moſt dear Couſin *William*, Lord Marquis of

'*Winchester*, one of the Lords of the Parliament; to our most dear Cousin *Edward*, Earl of *Oxford*, Great Chamberlain of *England*, another of the Lords of Parliament; and also to our most dear Cousin *George*, Earl of *Shrewsbury*, Earl Marshal of *England*, another of our Privy Council; and to our most dear Cousin *Henry*, Earl of *Kent*, another of the Lords of the Parliament; and also to our most dear Cousin *Henry*, Earl of *Derby*, another of our Privy Council; and to our most dear Cousin *Edward*, Earl of *Rutland*, another of the Lords of the Parliament; and to our most dear Cousin *Ambrose*, Earl of *Warwick* Master of our Ordinance, another of our Privy Council; and to our most dear Cousin *Henry*, Earl of *Pembroke*, another of the Lords of the Parliament; and also to our most dear Cousin *Robert*, Earl of *Leicester*, Master of our Horse, another of our Privy Council; and to our most dear Cousin *Henry* Earl of *Lincoln* another of the Lords of the Parliament; and also to our most dear Cousin *Anthony*, Viscount *Montague*, [*Montacute*] another of the Lords of the Parliament; and to our trusty and well beloved *Charles* Lord *Howard*, our High Admiral of *England*, another of our Privy Council, and to our trusty and well beloved *Henry*, Lord *Hunsdon*, our Lord Chamberlain, another of our Privy Council; and also to our trusty and well beloved *Henry*, Lord *Abergavenny*, another of the Lords of the Parliament; and to our trusty and well beloved *Edward*, Lord *Zouch*, another of the Lords of the Parliament; and also to our trusty and well beloved *Edward*, Lord *Morley*, another of the Lords

' th

'the Parliament; and to our truſty and well
'beloved *William*, Lord *Cobham*, Lord Warden
'of our Cinque Ports, another of our Privy
'Council; and alſo to our truſty and well
'beloved *Arthur*, Lord *Grey* of *Wilton*, another
'of the Lords of the Parliament; and alſo
'to our truſty and well beloved *John*, Lord
'*Lumley*, another of the Lords of the Parlia-
'ment; and alſo to our truſty and well be-
'loved *John*, Lord *Stourton*, another of the
'Lords of the Parliament; and to our truſty
'and well beloved *William*, Lord *Sandes*, ano-
'ther of the Lords of the Parliament; and
'alſo to our truſty and well beloved *Henry*,
'Lord *Wentworth*, another of the Lords of the
'Parliamant; to our truſty and well beloved
'*Lewis*, Lord *Mordaunt*, another of the Lords
'of the Parliament; and to our truſty and
'beloved *John* Lord *St. John* of *Bletſho*, ano-
'ther of the Lords of the Parliament; and
'alſo to our truſty and well beloved *Thomas*,
'Lord *Buckhurſt*, another of our Privy Coun-
'cil; and to our truſty and well beloved
'*Henry*, Lord *Compton*, another of the Lords
'of the Parliament; and alſo to our truſty and
'well beloved *Henry*, Lord *Cheney*, another of
'the Lords of the Parliament; to our truſty
'Sir *Francis Knolles*, Kt. Treaſurer of our Houſ-
'hold, another of our Privy Council; and
'alſo to our truſty and well beloved Sir *James*
'*Crofts*, Kt. Comptroller of our Houſhold,
'another of our Privy Council; and to our
'truſty and well beloved Sir *Chriſtopher Hatton*,
'Kt. our Vice-chamberlain, another of our
'Privy Council; and alſo to our truſty and
'well beloved Sir *Francis Walſingham*, Kt. one
'of our Principal Secretaries, another of our

' Privy Council; and also to our trusty and
' well beloved *William Davison*, Esq; another
' of our Principal Secretaries, and of our Pri-
' vy Council; and also to our trusty and well
' beloved Sir *Ralph Sadler*, Kt. Chancellor of
' our Dutchy of *Lancaster*, another of our Pri-
' vy Council; and also to our trusty and well
' beloved Sir *Walter Mildmay*, Kt. Chancellor
' of our Exchequer, another of our Privy
' Council; and to our trusty and well be-
' loved Sir *Amias Powlet*, Kt. Captain of our
' Isle of *Jersey*, another of our Privy Council
' and also to our trusty and well beloved *John*
' *Wolley*, Esq; our Secretary for the *Latin*
' Tongue, another of our Privy Council; also
' to our trusty and well beloved Sir *Christopher*
' *Wray*, Kt. Chief Justice assign'd for the Pleas
' to be holden before us; and to our trusty
' and well beloved Sir *Edward Anderson*, Kt. our
' Chief Justice of the Bench; Sir *Roger Man-*
' *hood*, Kt. our Chief Baron of our Exchequer
' Sir *Thomas Gawdy*, Kt. one of our Justices
' assigned for the Pleas to be holden before us
' and *William Periam*, one of our Justices of
' the Bench, Greeting, &c.

Then after the Recital of the Act made the
preceding Year, it follows: 'Whereas since
' the end of the Session of Parliament, viz.
' since the first Day of *June* in the 27th Year
' of our Reign, divers things have been com-
' passed and imagined, tending to the Hurt
' of our Royal Person, as well by *Mary*
' Daughter and Heir of *James* Vth. King of
' *Scots*, and Dowager of *France*, pretending
' Title to the Crown of this Realm of *Eng-*
' *land*, as by divers other Persons with the
' Privity of the said *Mary*, as we are given
' und

underſtand. And whereas we do intend and reſolve that the 'foreſaid Act ſhall be in all and every Part thereof duly and effectually put in Execution, according to the tenour of the ſame, and that all Offences aboveſaid in the Act aboveſaid mentioned, as afore 'tis ſaid, and the Circumſtances of the ſame ſhall be examined, and Sentence or Judgment thereupon given, according to the tenour and effect of the ſaid Act. So to you, and the greater part of you, we do give full and abſolute Power, Licence and Authority, according to the tenour of the ſaid Act, to examine all and ſingular matters compaſſed and imagined, tending to the hurt of our Royal Perſon, as well by the aforeſaid *Mary*, as by any other Perſon or Perſons whatſoever, with the Privity of the ſaid *Mary*, and Circumſtances of the ſame; and other Offences whatſoever aboveſaid in the Act aboveſaid (as afore is ſaid) mentioned, and all Circumſtances of the ſame and every of them, and thereupon according to the tenour of the Act aforeſaid, to give Sentence or Judgment as upon good Proof the matter ſhall appear to you: And therefore we Command you, that you do at ſuch certain Days and Places, which you, or the greater Part of you, ſhall for that purpoſe ſet and agree upon, diligently proceed upon the Premiſes, in form aforeſaid, &c.

The moſt remarkable thing in this Commiſſion, is the Title given to the ſuppoſed Offender, they call her only Mary, *Daughter of* James V. *King of* Scots, and ſeem induſtriouſly to avoid naming her *Queen* or *late Queen* of that Kingdom; the Times being yet more modeſt

modeſt, and the Trying of a Crown'd Head by a formal Proceſs in Law, appeared with a very odious and ghaſtly Aſpect: But a Set of Profligates have ſince aroſe in the World, who did not ſtick, in the Face of the Sun, to Try their own Sovereign, this Queen's Grandſon, in a pretended Court of Juſtice, for Crimes which they themſelves were guilty of, to Condemn him, and put him to Death before his own Palace Gate, *Oh! Monſtrum Horrendum*, &c.

The greateſt Part of theſe Commiſſioners on the 11*th* of *October*, met at *Fotheringhay* Caſtle, in the County of *Northampton*, ſeated upon the Banks of the River *Nen*, where the Queen of *Scots* was then in Cuſtody, and next Day they ſent Sir *Walter Mildmay*, *Powlet* and *Edward Barker*, Publick Notary, who delivered Queen *Elizabeth*'s Letters into her own Hands. When ſhe had read them, ſhe ſaid with a Countenance becoming her Royal Dignity, and with a quiet and ſedate Mind, 'It 'grieves me much, that the Queen, my moſt 'dear Siſter, is miſinform'd of me; and that 'I after ſo many Years cloſe Confinement in 'Priſon, and my being grown Lame in my 'Limbs, have lain wholly neglected, tho' I 'offer'd ſo many reaſonable Conditions for 'my Liberty; tho' I have given her full and 'faithful Notice of ſeveral Dangers that 'threatned her, yet has no Credit been given 'to me, but I have been ſtill contemn'd and 'ſlighted, tho' I be ſo nearly ally'd to her in 'Blood. When the Aſſociation was entred 'into, and the Act of Parliament made there-'upon, I foreſaw that whatſoever Dangers 'ſhould happen, either from foreign Princes 'Abroad,

Abroad and ill design'd People at Home, or for Religion sake, I must bear all the Blame, having so many mortal Enemies in the Court. Certainly I might take it very ill, and that not without just Reason, that a League has been lately made with my Son, without my Knowledge or Privity, but such Matters I omit. As for this Letter, it seems strange to me, that the Queen should Command me as a Subject to submit my self to a Tryal: I am an absolute Queen, and will do nothing that may be prejudicial either to Royal Majesty, or to other Princes of my Place and Rank, or my Son. My Mind is not yet so far dejected, nor will I faint or sink under my Calamity. I refer my self to what I have formerly protested before *Bromley*, now Chancellor, and the Lord *Laware*. The Laws and Statutes of *England* are to me altogether unknown, I am destitute of Counsellors, and who shall be my Peers I cannot tell; my Papers and Notes are taken from me, and no Man dares appear to be my Advocate. I am clear of being guilty of any thing against the Queen; I have stirred up no Man against her and am not to be Charged but upon my own Words and Writings, which I am sure cannot be produced against me; yet can I not deny, but I have recommended my self and my Condition to Foreign Princes.'

Powlet and *Barker* returned to the Queen next Day from the Commissioners, and gave her to understand, that this Answer of hers was put into Writing, and ask'd her whether she would own it and abide by it? When she had heard it distinctly read, she acknowledged it to

to be rightly and truly taken, and said she would stand by it. 'But this, *said she*, I have 'quite forgot, which I would now have added: Whereas the Queen writes that I am 'subject to the Laws of *England*, and to be 'judged and try'd by them, because I have 'liv'd under the Protection of them, I answer, That I came into *England* to crave Aid 'and Assistance, and have been ever since detained in Prison, so that I could not enjoy 'the Protection and Benefit of the Laws of '*England*; nay, I could never yet understand from any Man, what manner of Laws 'those were.

In the Afternoon of the same Day, the Commissioners deputed some of their own Number, together with Persons learned in the Civil and Canon Law to attend her; the Lord Chancellor and the Lord Treasurer justify'd their Authority, and their Intent and Commission, and shew'd that neither her Prerogative nor Royal Majesty could except her from answering in this Kingdom, and advised her with fair Words to hear what should be objected against her, otherwise they threatned that by the Authority of the Law they both could and would proceed against her, tho' she were absent.

The Queen answer'd, 'That she would 'rather dye a Thousand Deaths than acknowledge herself a Subject; considering that by 'such Acknowledgment she would both injure the Sublimity of her Royal Dignity, and withal confess herself to be bound by all 'the Laws of *England*, even in matters of 'Religion: Nevertheless she was ready to 'Answer to every thing in a free and full

'Parliament

Parliament: That as for that Meeting or Assembly, it was for ought she knew, devised against her, (as being already condemned and prejudged to dye) purposely to have the Face and Colour of a just and legal Proceeding. She advised them therefore to have a Regard to their Consciences, and to remember, that the Theatre of the World was much more extensive than the Kingdom of *England*.

Having spoken thus, and beginning to enter into Complaints of the Injuries which had been done her; the Treasuer here interrupted her, and began to enumerate the Queen's kindnesses for her; namely, That she had puish'd several Persons, who had opposed and deny'd her Title to the Crown of *England*, and had been a means to keep her from being condemned by the Estates of the Realm, for endeavouring to marry the Duke of *Norfolk*, for the Rebellion in the *North*, and several other things; all which she seem'd to make light of. They left her and went back to their fellow Commissioners with a Report of what was transacted by them at that time. Within a few a Hours after, they sent *Powlet* and the Attorney-General to her, with the Substance of their Commission and the Names of the Commissioners; that she might see they were to proceed according to Equity and Reason, and not upon subtil Devices of Law, or pursue any extraordinary Course or Method. She made no Exceptions against the Commissioners, but strongly objected against the new made Law, upon which the Authority of their Commission wholly depended; insisting, 'That it was unjustly devised on purpose against 'her,

'her, that it was without example, and
'which she would never subject herself: S
'ask'd by what Law they intended to pro
'ceed? If by the Civil or Canon Law, the
'*said she*, you must send for Interpreters
'them from *Pavia* or *Poictiers*, or some oth
'foreign University; for there are none
'for it in *England*; *she added also*, that it
'very apparent from the Words in the Queen
'Letters, that she was already prejudge
'guilty of the Crime, before she was heard
'and therefore there was no Reason for h
'Appearance before them. *She farther requir*
'To have satisfaction given her concerni
'some Doubts she had in respect to sever
'things contained in those Letters, which
'had for her own Satisfaction confusedly
'in haste taken notice of, but would not d
'liver them in Writing; For, *she said*, it
'not consistent with her Royal Dignity
'act the Part of a Scrivener.

The Commissioners who had attended h
before, being sent to her again, she told the
'She did not understand what those Wo
'meant, seeing she is under the Queen's P
'tection. The Lord Chancellor answer
That it was plain to every Body that understood
thing, yet that it was not for Subjects to inter
what the Queen's meaning was, neither were
Commissioners for that End and Purpose. Then
required to have her Protest, which she h
formerly made, shew'd and allow'd of. It
answer'd, *That it had never been nor could no*
allow'd, because it was prejudicial to the Crow
England. The Queen reply'd, 'You m
'Laws as you will, to which I have no R
'son to submit, considering that the *Eng*

in former times refuſed to ſubmit themſelves to the *Salick* Law of *France*; and that if they would proceed by the Common Law of *England*, they ſhould produce Preſidents in the like Caſes; ſeeing that Law was made up in a great meaſure of Caſes and Cuſtoms: And if by the Canon Law, no Body ought to interpret the ſame, but thoſe that enacted it. It was anſwer'd, *That they would proceed neither by the Civil nor the Canon Law, but by the Common Law of* England; *tho' it might be prov'd both by the Civil and Canon Law, that ſhe ought to appear before them, if ſhe would not refuſe to hear it.* She ſaid, 'She did not refuſe to hear it, provided it were by an Interlocutory, and not Judicial way.

Then ſhe fell upon other matters, ſaying, That ſhe had never entertained any Thoughts tending to the Deſtruction of the Queen; that ſhe had been provoked and incenſed with ſeveral Injuries and Indignities, that ſhe would be a ſtumbling block to others, if ſhe were ſo unkindly uſed; that ſhe had by *Nawe* offered all her Intereſt to revoke the Pope's Bull, that ſhe would have juſtify'd her Innocence by Letters, but was not permitted to do it: Finally, that all the Offices of Kindneſs and good Will, which ſhe had tendred theſe Twenty Years, had been rejected and ſlighted.

Having thus deviated from the Affair that was propoſed to her, they put her in mind of it, and deſired her poſitive Reply, Whether ſhe would anſwer before the Commiſſioners or not? She reply'd, 'That their Commiſſion was founded upon the Authority of a very modern Law, enacted to circumvent

'her;

'her; that she could by no means away with 'the Queen's Laws, which she had reason to 'suspect; that she had still a good Heart full 'of Courage and would not derogate from her 'Ancestors the King's of *Scotland*, by owning 'herself a Subject of the Crown of *England*; 'seeing this would be no less than to own 'them to have been Rebels and Trayters. 'Nevertheless she did not refuse to answer, 'provided she was not put upon the Foot of 'a Subject, but that she had rather utterly 'perish than answer as a Criminal.

Sir *Christopher Hatton*, at that time Vice-Chamberlain, hereupon answer'd her, saying, *You are accused, but not condemned, to have conspir'd the Death of our Lady and anointed Queen; you say you are a Queen, be it so, nevertherless in such a Crime as this, the Royal Dignity it self is not excepted from answering, either by the Civil or Canon Law; nay, by the Law of Nations or of Nature; for if it were allow'd that such Crimes might be impunedly committed, all Justice would cease and fall to the Ground. If you are Innocent, you wrong your Reputation, by declining a Tryal; you do protest your own Innocence, the Queen is of another Opinion, not without good grounds for it, and is heartily sorry for the same; she has therefore deputed Commissioners, who are Persons of Honour, Prudence and Uprightness, to inquire into your Innocence, who are ready to hear according to Justice, and they shall be exceeding glad to find you able to clear yourself of such things as are to be laid to your Charge. Believe me, the Queen herself will be transported with Joy, she having affirm'd to me when I was last with her*; That nothing in the World ever troubled her more, than that you should be charged with such Misdemeanors. *Where-*

for

fore laying aside the fruitless Claim and Priviledge of your Royal Dignity, which can now be of no use to you, appear to your Tryal and manifest your Innocence, least by avoiding it you draw a Suspicion upon yourself, and stain your Reputation for ever.

'I do not refuse, *reply'd the Queen*, to Answer in a full Parliament lawfully assembled, provided I may be declared the next in Succession to the Crown; yea, before the Queen and Council, so that my Protestation may be allow'd of, and I be acknowledged the next of Kin to the Queen: I will by no means submit to the Judgment of my Enemies, before whom all the Defence I shall make of my Innocence will signify nothing.' Then the Lord Chancellor asked her, *Whether she would Answer if her Protestation was admitted.* 'I will never, *said she*, submit to the new Laws mention'd in the Commission.' Then the Lord Treasurer concluded, *We will nevertheless proceed to the Tryal to Morrow, tho' you should be absent and continue Refractory.* Upon which the Queen said, 'Examine your Consciences, be tender of your Honours, God reward you and yours according to your Judgment upon me.

The Queen on the 14th in the Morning sent for some of the Commissioners, and desir'd that her Protestation might be admitted. The Lord Treasurer asked her, *Whether she would appear at her Tryal if her Protestation was receiv'd, and set down in writing without Allowance?* She gave way at last, tho' with great Difficulty and Reluctancy, least she should seem, as she said, to derogate from the Rights of her Predecessors or Successors, but was very de-

sirous to clear herself of the Crimes laid to her Charge, being induced thereto by *Hatton*'s Reasons, which she had seriously weigh'd and consider'd.

The Commissioners soon after met in the Presence Chamber, at the upper end of which was placed a Chair of State for the Queen of *England*, and under the Canopy of State, over-against it, below and at some distance, near the Beam that ran cross the Room, stood a Chair for the Poor Queen of *Scots*; Benches were placed by the Wall on both sides, upon which sate

On the one side.	On the other side
The Lord Chancellor.	The Lord *Abergavenny*.
The Lord Treasurer.	The Lord *Zouch*.
The Earl of *Oxford*.	The Lord *Morley*.
The Earl of *Kent*.	The Lord *Stafford*.
The Earl of *Derby*.	The Lord *Grey*.
The Earl of *Worcester*.	The Lord *Lumley*.
The Earl of *Rutland*.	The Lord *Stourton*.
The Earl of *Cumberland*.	The Lord *Sands*.
	The Lord *Wentworth*.
The Earl of *Warwick*.	The Lord *Mordaunt*.
The Earl of *Pembroke*.	The Lord *St. John*.
The Earl of *Lincoln*.	The Lord *Compton*.
The Lord Vilcount *Montacute*.	The Lord *Cheney*.

Near unto those in the last Column sate the Knights that were of the Privy Council, viz.

Sir *James Crofts*.	Sir *Ralph Sadler*.
Sir *Christopher Hatton*.	Sir *Walter Mildmay*.
Sir *Francis Walsingham*.	Sir *Amias Paulet*.

Directly

Directly before the Earls ſate the two Chief Juſtices, and the Lord Chief Baron, and on the other ſide two Barons, the other Juſtices, *Dale* and *Ford*, Doctors of the Civil Law; and at a little Table in the middle ſate *Popham*, the Attorney General, *Egerton*, Solliciton General, *Gawdy*, the Queen's Sergeant at Law, the Clerk of the Crown and two Notaries.

When the Queen was brought into Court, and had ſeated herſelf in the Chair provided for her, the Lord Chancellor *Bromley*, after Silence proclaim'd, turning towards her, ſpake a few Words to this effect: *The moſt ſerene Queen* Elizabeth *being inform'd, not without great Grief and Trouble of Mind, that you have conſpir'd the Deſtruction of her Perſon, and the Kingdom of* England, *and the Subverſion of our Religion, has, according to her Station and Duty, leaſt ſhe might ſeem to neglect herſelf and her People, and out of no manner of Malice at Heart, appointed theſe Commiſſioners to hear ſuch things as ſhall be objected againſt you, and how you can clear your ſelf of them, and manifeſt your Innocence to the World.*

The Queen thereupon ſtood up and ſaid, That ſhe came into *England* to ſollicite the Aſſiſtance which had been promis'd her, and yet ſhe had ever ſince been kept a Priſoner: She proteſted that ſhe was no Subject of the Queen's, but had been, and was a free independent Queen, not obliged to appear before Commiſſioners, or any other Judge, for any Cauſe whatſoever, but before God alone the higheſt Judge; that ſhe ſhould not derogate from her own Royal Majeſty, the King of *Scots* her Son, her Succeſſors and other independent Princes; yet that ſhe now appear'd

'Personally to refute and wipe off the Crimes 'objected against her; and she pray'd her 'own Attendants to bear Witness to the 'same.

The Lord Chancellor not acknowledging any Assistance that had been promis'd her answer'd, *That that Protestation signified nothing, for whosoever of what Place, Quality or Degree they might be, should transgress the Laws of* England *in* England, *he was subject to the same Laws, and was to be examin'd and try'd by the late Act; the said Protestation therefore being made in derogation of the Laws and Queen of* England, *was not to be admitted.*

The Protestation and the Lord Chancellor's Answer, being recorded by the Consent of the Court, the Commission was openly read, which being grounded upon the Act of Parliament so often already mention'd, the Queen with much Boldness and Resolution offer'd her Protestation against the said Act, as being made directly and on purpose against herself, and herein she appeal'd to their own Consciences: To this the Lord Treasurer reply'd, *That every Person in the Kingdom was bound by the Laws, tho' never so lately made, and that she ought not to speak against the Laws; and the Commissioners were resolv'd to proceed according to that Law, whatever Protestations or Appeals she made to the contrary.* So that at last she told the Court, *That she was ready to hear and answer any Fact whatsoever committed against the Queen of* England.

Now Sergeant *Gawdy* opening the Statute Paragraph by Paragraph, affirm'd she had violated the same; and then making an Histori-

cal Deduction of *Babington*'s Conſpiracy, concluded, *That ſhe knew of it, aſſented to it, promis'd her Aſſiſtance, and ſhewed the ways and means of effecting it.* To which the Queen reſolutely anſwer'd, 'She did not know *Babington*, that 'ſhe never received any Letters from him, 'nor wrote to him; that ſhe never plotted 'the Deſtruction of the Queen, and that to 'prove any ſuch thing, her own Hand-writing ought to be produc'd: That for her own Part ſhe never heard a Word of it; 'that ſhe knew not *Ballard*, nor ever reliev'd him; but underſtanding by ſome, that the Catholicks in *England* thought themſelves very ſeverely uſed, that ſhe wrote to the Queen about it, and beſought her to take Pity upon them; that divers Perſons who were utterly Strangers to her, had offer'd her their Help and Aſſiſtance, that nevertheleſs ſhe had excited and incouraged no Body to any illegal Attempts, and being ſhut up in Priſon, ſhe could neither know nor prevent their Undertakings.'

Here it was urg'd againſt her from *Babington*'s Confeſſion, that they had held a Correſpondence by Letters. She own'd, that ſhe had wrote to and received Letters from divers Perſons, but it did not thence follow, that ſhe was privy to all their wicked Deſigns. She inſiſted, that her own Hand-writing might be produc'd, and asked, where the Hurt was that ſhe ſhould demand her Letters again, which had almoſt for a whole Year been detained from her. This done, they read Tranſcripts of *Babington*'s Letters to her, wherein the whole Conſpiracy was ſet forth, and to

which the Queen answer'd, 'Perhaps *Babington* might write these Letters, but let it be 'prov'd that I received them; if *Babington* or 'any Body else does affirm it, I say directly 'they Lie; other Mens Faults are not to be 'imputed to me: A Packet of Letters which 'has been detained from me almost a whole 'Year, came to my Hands about that time, 'but by whom sent I know not.'

Now to prove that the Queen had received *Babington*'s Letters, the chief Heads of some Letters, which he had voluntarily confess'd she had wrote back to him, were read, wherein mention was made of the Earl of *Arundel* and his Brothers, and the Earl of *Northumberland*, upon which she burst into Tears and said, *Alas! what hath that noble House of the* Howard's *endured for my sake?* And then wiping off her Tears, she answer'd, 'That *Ba*-'*bington* might Confess what he pleas'd, but 'that it was a down right Lie, that she had contrived any such Method to make her Es-'cape; that her Enemies might easily get 'the Cyphers which she had made use of to 'others, and therein write many Forgeries 'and Falshoods; that it was not likely she 'should make use of *Arundel*'s Assistance, 'whom she knew to be a Prisoner, or *Northumberland*'s, who was so very Young, and 'altogether a Stranger to her.'

Several things there were also pick'd out of *Savage*'s and *Ballard*'s Confessions, who had owned that *Babington* imparted to them several Letters which he had received from the Queen, who in her own Vindication affirm'd, *That* Babington *received none from her*; nay, that

that she was very angry with some Persons, who had privately given her Information concerning the invading of *England*, and had charged them to take care what they did.

The next Evidence which was produc'd was a Letter, wherein *Babington*'s Conspiracy was commended and approved, of which she desired a Copy, and affirm'd, 'That it did 'not come from her, but perhaps might be 'wrote by her Alphabet of Cyphers in *France*, 'that she had used her utmost endeavours to 'recover her Liberty, as Nature herself al-'low'd and dictated, and had sollicited her 'Friends to procure her Enlargement; tho' 'she gave no manner of Answer to some 'Persons whom she did not care to Name, 'when they offer'd to assist her to obtain her 'Freedom: She had indeed a great desire to 'avert the Storm of Persecution from the 'Catholicks, and had earnestly sollicited the 'Queen in their behalf: But there were ma-'ny who form'd dangerous Designs without 'her Privity, and by a Letter which she had 'very lately receiv'd, some People ask'd her 'Pardon, if they should make some Attempts 'without her Knowledge: That it was not 'difficult to counterfeit the Characters and 'Cyphers of others, as a young Man had 'very lately done in *France*, who gave out he 'was her Son's Natural Brother, that she 'was also affraid this was done by *Walsing-'ham*, to put an end to her Life, who, as she 'heard, had conspired against her and her 'Son's Life: She protested that she had never 'entertained as much as a Thought of Mur-'dering the Queen; that she would rather 'joyfully and freely lose her own Life, than

'that the Catholicks should be so persecuted 'and aggriev'd out of Hatred to her, and 'undergo such heavy Punishments for her 'sake.

Here the distress'd Queen shed abundance of Tears, while the Lord Treasurer said, *That no Man who had approved himself a good Subject, had ever been put to Death for his Religion; that some indeed had been for Treason, while they maintain'd and avouch'd the Pope's Bull and Authority against the Queen. Yet I*, reply'd the Queen, *have heard otherwise, and have seen it also in Printed Books.* His Lordship rejoyn'd, *The Authors of such Books as those, have also wrote, That the Queen had forfeited her Royal Dignity.*

Walsingham, who found himself so openly Charg'd with Designs against her, as I have mention'd, took the opportunity to vindicate himself, and standing up, protested, *He had no manner of Malice in his Heart against her. I call God to Witness*, said he, *that as a Private Person I have done nothing unbecoming an Honest Man, neither have I done any thing in my Publick Capacity and Station, that is unworthy of my Post; I own, that out of my great Care for the Safety of the Queen and Kingdom, I have used my endeavours to sift and find out all Plots and Designs against both: If* Ballard *had offer'd me his Assistance, I should not have refus'd it; nay, I would have rewarded him for his Trouble and Services: If I have any ways tamper'd with him, why did he not discover it and save his Life?*

The Queen said, 'She was satisfy'd with this Answer, and desired him not to be angry 'with her having spoke so freely of the Re'ports she had heard, and that he would give us 'little

little Ear to thoſe who ſcandaliz'd her, as ſhe did to thoſe who accuſed him. Spies, *ſhe ſaid*, were Men of uncertain and little Credit, who made a ſhew of one thing and ſpoke another. She then defired him, he would not at all believe that ever ſhe had conſented to the Queen's Deſtruction.—— Here again ſhe burſt out into Tears, ſaying, *I would never make Shipwreck of my Soul by conſpiring the Death of my deareſt Siſter.* The Council anſwer'd, *This ſhould quickly be proved by Witneſſes*: And ſo ended the Proceeding of the Court for that Morning.

To prove the Point laſt mention'd, in the Afternoon there was a Copy of a Letter openly produc'd, which had been wrote by *Charles Paget*, and *Curle*, one of her own Secretaries, teſtifying ſhe had received it, concerning a Conference between *Mendoza* and *Ballard*, about the Deſign of invading *England*, and ſetting her at Liberty. *This*, ſhe ſaid, *was nothing to the Purpoſe, and did not prove ſhe had conſented to the Deſtruction of the Queen.*

The Lawyers proceeded to prove farther, that ſhe was both privy to the Conſpiracy, and alſo actually conſpir'd the Death of the Queen, and that by *Babington*'s Confeſſion, and the Letters which paſſed between him and her, wherein he had call'd her, *His moſt dread and Sovereign Lady the Queen*: And by the way, they took Notice of a Plot that was laid for transferring the Kingdom of *England* to the *Spaniard*: She confeſs'd, that a Prieſt came to her and ſaid, *That if ſhe would not concern her ſelf in the Affair, ſhe and her Son both ſhould be diſinherited*: But the Prieſt's Name ſhe would not

not tell; she added, *That the King of* Spain *laid Claim to the Kingdom of* England, *and would not give place to any Title but hers.*

The next thing which was done, was to press her with the Testimonies of her Secretaries *Nawe* and *Curle*, out of *Babington*'s Confession, and the Letters and Answers between her and *Babington*, the entire Credit of which Proof depended wholly upon their Testimony; and yet they were never brought Face to Face, this being the base Remains of the Tyrannical Practices of a preceding Reign, of which there were so many Instances, that we have only remark'd the grandest and most notorious of them. The Queen acknowledg'd *Curle* to be an Honest Man, but not a competent Witness against her; as for *Nawe*, she said, he had for some time been Secretary to the Cardinal of *Lorain*, and was recommended to her by the *French* King, and might easily be induced, either by Rewards, Hopes or Fears, to give a false Testimony, for he had several times taken rash Oaths, and *Curle* was so compliant with his Humour, that he would at his Beck, write whatever he bid him: 'Perhaps, *said she*, these two might insert 'some things in her Letters which she had 'never dictated to them; so also it might 'happen, that such and such Letters might 'come into their Hands which she might 'never have seen.' And then she brake out into Expressions of this kind; 'That the Ma-'jesty, as well as Security of all Princes must 'be at an end, if they depended upon the 'Writings and Testimonies of Secretaries: 'I dictated nothing to them, but what Na-

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'ture prompted me to, that I might at length 'obtain my Liberty, and I am not to be con-'victed by any thing but my own Words and 'Hand-writing: If they have wrote any 'thing to the Prejudice of the Queen my Si-'ster, they have done it entirely without my 'Knowledge, and let them ſuffer the Pu-'niſhment their Raſhneſs and Audacity 'has brought upon them: I am certain, 'if they were preſent here, they would ac-'quit me of all Blame upon this Account; 'and if my Notes were in my Hands, I 'could give particular Anſwers to all theſe 'things.'

Being engag'd thus in her own Defence, the Lord Treaſurer charg'd her, *That ſhe had Intentions to ſend her Son into* Spain, *and to transfer her Title and Claim in the Kingdom of* England *to the* Spaniard. To this ſhe anſwer'd, 'She 'had no Kingdom to diſpoſe of or convey, 'yet was it lawful for her to beſtow thoſe 'things which were hers at her Pleaſure, and 'not be accountable to any for what ſhe 'did.'

When her Alphabets of Cyphers, which were ſent over to *Babington*, the Lord *Lodowick* and *Fernihurſt*, were laid to her Charge out of *Curle*'s Teſtimony. 'She did not de-'ny, but that ſhe had wrote out many, and 'amongſt others, that for the Lord *Lodowick*, 'when ſhe had recommended him and ano-'ther to the Dignity of Cardinal, and that 'ſhe hop'd without any Offence, ſince it was 'as lawful for her to hold Correſpondence by 'Letters, and to negociate her Concerns with 'Perſons of her own Religion, as it was for

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'the Queen to do it with the Professors of 'another Religion.'

They press'd her more closely with the Testimonies of *Curle* and *Nawe*, which agreed together, to which she return'd her former Answers, or else contradicted their Testimonies, by an absolute Denial, protesting again, *That she neither knew* Babington *nor* Ballard. Its pity the Queen did not insist upon having her two Secretaries appear in Court, that she might have confronted them in their Evidence; and that some Body was not so much her Friend, as to put her in Mind she had a Right to it by the first Act of the 13*th* of Queen *Elizabeth*: The Court consisted of so many Great Men, and most of whom, if not all of them, of so much Integrity, that they would not have deny'd it, and if they had, it would have remain'd as a perpetual Mark of Infamy upon them. I do not enter into the Merits of the Cause, nor offer to say, whether the Queen was Guilty or Not Guilty of the Crimes laid to her Charge, my Business is to relate Matters of Fact: But as the meanest Subject ought to have fair play for his Life, so surely should a Lady of that Greatness and Quality, who had not only wore a Crown her self, but from whom, after the Decease of Queen *Elizabeth*, all the Princes who have ever since Reign'd over us, have descended, and I hope will do so, till Time shall be no more.

The Lord Treasurer here urg'd, *That she knew* Morgan *well enough, who had sent* Parry *over privately to Murder the Queen, and that she had assign'd him an Yearly Pension.* She reply'd,

'That

That she did not know whether *Morgan* had done so, but she knew that *Morgan* had lost all for her sake, and therefore it concern'd her in Honour to relieve him, and she was not bound to revenge an Injury done to the Queen, by a Friend that had deserved so well at her Hands: However she had endeavour'd to deter him from any such wicked Attempts. On the other side, *she said*, I am sure Pensions have been allow'd in *England* to *Patrick Gray*, and other *Scots*, Enemies both to myself and to my Son.' The Lord Treasurer answer'd, *When the Revenues of the Kingdom of* Scotland *were much impair'd and lessen'd through the Negligence of the Regents, the Queen out of her Princely Munificence, conferred somewhat upon the King your Son, her near Kinsman.*

They produced in the next place the chief heads of several Letters, sent to *Inglefield*, to the Lord *Paget*, and to *Barnardine de Mendoza*. But when the Queen had answer'd, That those things tended not to the Destruction of the Queen; and if Foreigners endeavoured to set her at Liberty, it was not to be laid to her Charge, and that she had several times plainly let the Queen know, that she would endeavour to obtain her own Liberty.' The matter was put off till the next Day.

When she appear'd in Court again, she insisted upon her former Protestation, and required to have it recorded, and a Copy of it deliver'd to her, lamenting, 'That such reasonable Conditions as she had several times proposed to the Queen should still be rejected, 'even

'even then when she promised to deliver
'her Son and the Duke of *Guise*'s Son for
'Hostages, that the Queen and the Kingdom
'of *England* might receive no Detriment by
'her Enlargement; by which she saw herself
'then quite out of any hopes of obtaining her
'Liberty: But now she was most unworthily
'used, whilst her Honour and Reputation
'was call'd in Question before Common Law-
'yers, who by wrested Conclusions drew
'every Circumstance into a Consequence;
'whereas Princes, that have been Anointed
'and Consecrated are not subject to the same
'Laws as private Men are. Moreover, where-
'as the Commissioners were impowered to
'Examine *matters concerning injuring the Queen's*
'*Person*, things were now so manag'd, and
'Letters so wrested, that the Religion she
'profess'd, the Immunity and Majesty of
'Foreign Princes, and the private Intercourse
'and Correspondence between Princes were
'called in Question, and she herself made to
'descend beneath her Royal Dignity, and
'to appear as a Criminal before a Court of
'Justice; and all this to no other Purpose,
'but that she might be quite put out of the
'Queen's Favour, and excluded from her
'Right to the Succession of the Crown:
'Whereas she only voluntarily made her Ap-
'pearance to clear herself of the things ob-
'jected against her, least she might seem to
'neglect the vindicating of her own Ho-
'nour and Innocence. She also reminded
'them how Queen *Elizabeth* herself was for-
'merly called in Question about *Wiat*'s Re-
'bellion, of which nevertheless she was en-
'tirely

tirely Innocent: *Religiously affirming*, That tho' she wish'd with all her Heart, that the safety of the Catholicks might be provided for, yet she did not desire it should be accomplish'd by the Death and Blood, tho' but of one Man. As for herself, she had rather act the part of *Hester* than of *Judith*, make Intercession to God for the People, rather than deprive the meanest of his Life. She expostulated, that her Enemies had spread Reports that she had no Religion: There was a time, *said she*, when I was willing and desirous to be instructed in the Protestant Religion; but some there were who would not allow it to be so, as if they did not care what became of my Soul.

She concluded thus: 'When you have done all you can against me, and have excluded me from my Right, you may perhaps come short of your Hopes and Expectations. Then making her Appeal to God, and to the Princes who were her Kinsmen, and then renewing her Protestations, she pray'd there might be another Assembly held about that Affair, and that an Advocate might be allow'd her to plead her Cause, and that seeing she was a Princess, Credit might be given her upon the Word of a Princess. For it were extream Folly, *said she*, to stand to their Judgment, when she saw so evidently and notoriously, that they were arm'd with Prejudice against her. To this the Lord Treasurer answer'd, *Where-as I am a Person in a double Capacity, first as a Commissioner, and then as a Counsellor, hear me first a few Words, as I am a Commissioner; your Protestation*

Protestation is recorded, and you shall have a Copy of it. Our Authority is granted to us under the Queen's own Hand and the Great Seal of England, *from which there lies no Appeal, neither do we come with Prejudice, but to Judge according to the exact Rules of Justice; the Queen's learned Council can do nothing else but that Truth may come to light, and that it may be seen how far you have offended against the Queen's Person, and the things relating to it, which are so interwoven with other things that they cannot be separated from them; the whole and entire Letters, and not Scraps pick'd out here and there, have therefore been openly read, because the Circumstances make out what it was you corresponded with* Babington *for.*

Here the Queen interrupting the Treasurer said, 'Circumstances might be prov'd, but the 'Fact never. That her Integrity depended 'not upon the Integrity and Memories of 'her Secretaries, tho' she knew them to be 'honest Men; yet if they had confess'd any 'thing for fear of being tortur'd, or out of 'hopes of Reward and Impunity, it was not 'to be allow'd of, and that for very good 'Reason, which she should shew elsewhere. 'Men's Minds, *said she*, are variously mov'd, 'and led away with Affections; and those 'Men would never have confess'd such things 'against her, but for their own hopes and ad-'vantages: Letters might be directed to 'others than those to whom they were writ, 'and many things had been often inserted 'which she had never directed. If her Pa-'pers had not been taken away, and she had 'had her Secretary with her, she could the-

'more

'more easily have been able to refute the 'things which were laid to her Charge.'

But nothing, said the Lord Treasurer, *shall be objected but since the* 19th *Day of* June, *neither would your Papers do you any good, since your Secretaries and* Babington *himself, without being put upon the Rack, have affirm'd, that you sent those Letters to* Babington, *which tho' you do deny, yet let the Commissioners judge, whether more Credit is not to be given to an Affirmative than a Negative. But to return to the matter, that which follows I am to speak to you as a Counsellor, many things you have proposed from time to time concerning your Liberty: That they have failed of success is along with yourself or the* Scots, *and not of the Queen; for the Lords of* Scotland *positively refused to deliver the King for an Hostage, and when the last Treaty was on Foot concerning your Liberty,* Parry *was sent privately by* Morgan, *a Dependant of yours, to Murder the Queen.*

'Ah, *said she*, You are my Adversary!' *Yes*, said the Treasurer, *I am an Adversary to all Queen* Elizabeth's *Enemies; but enough of these Things; let us now proceed to Proofs.* Which she refused to hear. *Yet we*, said he, *will hear them.* And I also, *said the Queen*, will hear them in another Place and Vindicate my self.'

Now her Letters to *Charles Paget* were order'd to be read again, wherein she shew'd there was no other way for the *Spaniards* to reduce the *Netherlands* under their Obedience, but by setting up such a Prince upon the Throne of *England* as might be useful and serviceable to them; as also her Letters to the Lord *Paget* to hasten his Auxilliary Troops for the invading of *England*, and Cardinal

Allen's Letter, wherein he called her *His most dear Sovereign Lady*, and told her that the Business was recommended to the Prince of *Parma*'s Care.

While they were reading these Letters, the Queen interposed the following Expressions; 'That *Babington* and her Secretaries had accused her to excuse themselves; that she had never heard of the Six Murderers, and that all the rest was nothing at all to the Purpose: That as for *Allen*, she esteem'd him as a Reverend Prelate, and acknowledged no other Head of the Church but the Bishop of *Rome*: She well knew in what Rank and Quality she was had and reputed by him and other Foreign Princes: Neither could she hinder it, if they should in their Letters Style her Queen of *England*. As for her Secretaries, seeing they had acted contrary to their Duty and Allegiance to her, they deserved no Credit: They who had once forsworn themselves, tho' they swore the next time never so seriously and solemnly, were not to be believed; neither did these Men think themselves bound by any Oath whatsoever in *Foro Conscientiæ*, for as much as they had sworn Fidelity and Secresy to her before, and were no Subjects of *England*. That *Nawe* had many times writ otherwise than she had dictated to him, and that *Curle* wrote whatever *Nawe* bad him: But for her part, she was willing to bear the Blame of their Misconduct in all things, but what might lay a Blot of Ignominy upon her Honour. And perhaps they also confess'd those things to save

themselves

'themſelves, upon a Suppoſition they could 'do her no Injury by confeſſing, and that ſhe 'as being a Queen would meet with more Fa-'vour. As for *Ballard*, ſhe never heard of 'any ſuch Man, but of one *Hallard* who 'had offered her his Service, which never-'theleſs ſhe refuſed, becauſe ſhe was alſo 'inform'd, that he had engaged himſelf in 'the Service of *Walſingham*.'

The next Thing produced was ſome ſhort Paſſages out of her Letters to *Mendoza*, which *Curle* had confeſs'd himſelf to have writ in Cyphers, out of which ſhe was charg'd with a Deſign of transferring her Right in the Kingdom to the King of *Spain*; and that *Allen* and *Parſons* were then at *Rome* for that purpoſe. The Queen ſtill Complaining that her Secretaries had violated their Allegiance, to which they were bound by Oath, ſhe reply'd thus: 'I being a cloſe Priſoner, oppreſs'd and 'languiſhing with Cares and melancholly 'Thoughts, and without any hopes of Li-'berty, and no probability appearing of ef-'fecting thoſe things which many People ex-'pected by my means, who declined daily 'thro' Age and Indiſpoſition of Body, ſome 'there were who thought it moſt adviſable, 'that the Succeſſion of the Crown of *Eng-'land* ſhould be ſettled on the King of *Spain*, 'or ſome *Engliſh* Catholick: And there was 'a Book ſent me to juſtify the *Spaniard*'s Title, 'which being diſapprov'd by me, I incurred 'the diſpleaſure of ſome People about it; 'but now all my hopes in *England* being in 'vain, I am fully reſolv'd not to reject For-'reign Aſſiſtance.'

Here the Sollicitor-General put the Commissioners in mind, What would become of their Honours, Estates and Posterities, if the Kingdom should be transferr'd to a Foreigner as above-mentioned? But the Wise Treasurer made it appear, that the Kingdom of *England* could not be transferr'd at all; but was to descend by Right of Succession according to the Laws, and ask'd the Queen if she had any more to say? She requir'd to be heard in a full Parliament, or that she might in Person speak to the Queen, who, she hop'd, would have respect for a Queen, and to her Privy Council. Then getting up from her Chair with great Presence and a Majestick Mien, she had some Conference apart with the Lord Treasurer, Sir *Christopher Hatton*, Secretary *Walsingham*, and the Earl of *Warwick*.

These Things being over, the Court adjourn'd to the 25th of *October* to the Star-Chamber at *Westminister*, where all the Commissioners met, except the Earls of *Shrewsbury* and *Warwick*, who were both of them Sick at that time. And after *Nawe* and *Curle* had, upon Oath and *Viva voce*, voluntarily without Hope or Reward, avow'd, affirm'd and justify'd all and every the Letters and Copies of Letters before produced, to be true and real, Sentence was pronounced against *Mary*, Queen of *Scots*, and confirm'd by the Hands and Seals of the Commissioners, and recorded in these Words: *By their unanimous Assents and Consents, they do pronounce and deliver this their Sentence and Judgment, at the Day and Place last above recited, and say, that since the conclusion of the aforesaid Session of Parliament*

liament, in the Commiſſion aforeſaid ſpecify'd, namely, ſince the aforeſaid Firſt Day of June *in the 27th Year aforeſaid, and before the Date of the ſaid Commiſſions, divers matters have been compaſſed and imagined within this Realm of* England *by* Anthony Babington *and others, with the Privity of the ſaid* Mary, *pretending a Title to the Crown of this Realm of* England, *tending to the Hurt, Death and Deſtruction of the Royal Perſon of our ſaid Lady the Queen. And alſo that ſince the aforeſaid Firſt Day of* June, *in the 27th Year aforeſaid, and before the Date of the Commiſſion aforeſaid; the aforeſaid* Mary *pretending a Title to the Crown of this Realm, has compaſſed and imagined within this Realm of* England, *divers matters tending to the Hurt, Death and Deſtruction of the Royal Perſon of our Sovereign Lady the Queen, contrary to the Form of the Statute in the Commiſſion aforeſaid ſpecify'd.*

The ſame Day a Declaration was publiſhed by the Commiſſioners and Judges of the Land, That the ſaid Sentence did not at all derogate from the Title and Honour of *James*, King of *Scots*, but that he was in the ſame Place, Degree and Right, as if the ſaid Sentence had never been pronounc'd.

Its foreign to my deſign to enter upon the Reaſons given by Parliament to Queen *Elizabeth* for the Promulgation of the Sentence againſt her, with the Queen's Anſwers, and the Interceſſion made for her by Foreign Princes; but I am next to take Notice, that after the Prorogation of the Parliament, the Lord *Buckhurſt* and other Perſons were ſent to the Queen of *Scots*, to let her know that Sentence had been pronounced againſt her, and

that the same was approv'd and confirm'd by the Authority of Parliament as just and lawful, and the Execution thereof instantly desired by the Parliament, out of a due Regard to Justice, Security and Necessity; and therefore to perswade her to acknowledge her Offences against God and the Queen, and by Repentance to expiate them before her Death; giving her at the same time to understand, That as long as she liv'd, the Religion establish'd in *England* could not be safe. Here she seem'd to triumph with an uncommon Alacrity, giving God Thanks, and rejoycing in her Heart, that she was esteem'd an Instrument for restoring of Religion in this Island; and she earnestly intreated that she might have a Catholick Priest allow'd her to direct her Conscience, and administer the Sacraments to her. She utterly rejected the admitting of a Bishop and a Dean, whom they recommended to her for this purpose, and inveigh'd sharply against the *English* Nation, saying, *That the* English *had many times put their own Kings to Death, no wonder then if they shew'd their Cruelty to me, who am descended from the Blood of their Kings.*

The Publication of the Sentence was stopt for some time by the Intercession of the *French* Ambassador, but at last the earnest Instances of some Courtiers prevailing, it was publickly proclaimed in *December* all over *London*; the Lord Mayor, Aldermen and Principal Officers and Citizens being present, and afterwards throughout the whole Kingdom. The Queen in this Proclamation seriously protested, That this Publication was exorted

from

from her, to the great Grief of her Mind, by a kind of Neceſſity, and at the earneſt Deſires and Intreates of both Houſes of Parliament; tho' there was ſome who thought this proceeded from Female Cunning and Artifice.

The Publication of this Sentence being communicated to the Queen of *Scots*, ſhe was ſo far from being daunted with it, that with a grave and unalterable Countenance, ſhe lifted up her Hands and Eyes towards Heaven, and gave God Thanks for it: And tho, *Pawlet*, in whoſe Cuſtody ſhe was, diveſted her of all Enſigns of Dignity and Royalty, and made no more Account of her, than of a Woman of the meaneſt Condition, yet ſhe bore it with great Magnanimity.

I ſhall not launch out into the various Opinions and Sentiments of Men concerning her, People generally reaſon'd as they were of this or that Party; the Courtiers were continually preſſing the Queen to order her Execution, to which ſhe ſhew'd great Averſeneſs for a long time, and even grew Penſive and Melancholly upon it, frequently ſighing and muttering to herſelf, *Aut fer, aut feri. Either bear with her, or ſmite her.* And again, *Ne feriare, feri*; that is, *Strike leaſt thou be ſtricken.* At laſt ſhe delivered a Writting to *Daviſon*, one of her Secretaries, ſigned with her own Hand, requiring a Warant to paſs under the Great-Seal for her Execution, which ſhould be ready, in caſe any Danger happened, and commanded him to acquaint no Body with it: But next Day her Mind changed, and ſhe ſent her Commands by *Kil-*

ligrew to Secretary *Davison*, that the Warrant should not be drawn. *Davison* went presently to wait upon the Queen, and told her it was drawn and under the Great Seal already.

The Queen hereupon expres'd some Displeasure, blaming the Secretary that he had made so much haste. Nevertheless he inform'd the Council of the Warrant and the whole Proceeding, and easily perswaded them, who were ready to believe what they desired, that the Queen had commanded it should be executed. *Beal* thereupon without any more delay, was sent down with one or two Executioners, and a Warrant by vertue of which

The Earl of *Shrewsbury.*	The Earl of *Derby.*
The Earl of *Kent.*	The Earl of *Cumberland.*

and some others of less Quality, were authorized to see her Executed according to Law; and tho' the Queen at that very time told *Davison*, that she would take another Course with the Queen of *Scots*, yet he had not recall'd *Beal*.

As soon as the Earls above-nam'd arrived at *Fotheringhay*, they went together with Sir *Amias Pawlet* and Sir *Drue Drury*, to whose Custody she was committed, to attend her and told her the Occasion of their coming. They read the Warrant to her, and in a few Words advised her to prepare herself for Death; which she was to undergo the very next Day. The unhappy Queen undauntedly and with a composed

posed Mind made this Answer, 'I did not 'think my Sister would have consented 'to my Death, who am not subject to your 'Law and Jurisdiction; but seeing her Plea-'sure is so, Death shall be to me most wel-'come; neither is that Soul worthy of the 'high and everlasting Joys above, whose Body 'cannot endure one stroke of the Execu-'tioner.

She then requested the Lords, that she might be allow'd to confer with her Almoner, Confessor and *Melvil*, the Master of her Household. It was a cruel thing, tho' her Religion was erroneous, to deny her the liberty of having her Confessor come to her; but the Lords would by no means agree to it, and recommended the Bishop or Dean of *Peterborough* to administer Spiritual Advice and Comfort to her. This the Queen refusing, the Earl of *Kent* in the Heat of his Zeal for the Reform'd Religion, turning towards her, broke out among others into these warm Expressions, *Your Life will be the Death of our Religion, and on the contrary, your Death will be the Life of it.*

Mention being made of *Babington* to her, she confidently deny'd any manner of Knowlegde she had of his Conspiracy, and she left it to God to revenge her Cause: Then inquiring what was become of *Nawe* and *Curle*, she ask'd if it was ever heard of before, that Servants were suborn'd and admitted to be Witnesses against their Master's Life? When the Lords had left her, she commanded Supper to be hastned, that she might the better dispose of her Affairs; she supp'd temperately and spa-

* ringly

ringly as her Custom was; and observing while she was at Supper, that her Servants both Men Women, wept and lamented her, she comforted them with much Courage and Magnanimity, and bad them leave off mourning but rather rejoyce, that she was now to depart out of this miserable World. She turn'd to *Burgoin* her Physician, and ask'd him, 'If he did not now find the force of 'Truth powerful; they say, *continued she*, That 'I must dye because I have conspir'd against 'the Queen's Life; and yet the Earl of *Kent* 'tells me, That there is no other Cause of 'my Death, but that they are afraid their 'Religion is in danger upon my Account; 'neither has any Offence against the Queen, 'but the fears they have of me drawn this 'End upon me, while some under the Colour 'of Religion and the Publick Good, aim at 'their own private Conveniences and Advantages.

When her Supper was near ended, she drank to all her Servants, who all of them pledged her in order upon their Knees, mingling Tears with their Wine, and begging Pardon for any Neglect of Duty they had been guilty of, as she also in like manner did of them. She perused her Will after Supper, read over the Inventory of her Goods and Jewels, and wrote down the Names of those to whom she bequeath'd every Particular; to some she distributed some Money with her own Hands. She wrote a Letter to her Confessor, that he should make Intercession to God for her in his Prayers. She also wrote Letters of Recommendation in behalf

half of her Servants to the *French* King and the Duke of *Guise*; she went to Bed at her usual Hour, slept some Hours, and then awaking, spent the rest of the Night in Prayers and acts of Devotion.

The fatal Day, which was the 9th of *February*, 1587. being come, she dress'd herself as pompously, as she was wont to do on Festival Days, and calling her Servants together, commanded her Will to be read, praying them to take their Legacies in good Part, since she was not in a Condition to bequeath much unto them; then fixing her Mind wholly upon God, in her Oratory or usual Place of Prayer, she begged for the Divine Grace and Favour with Sighs, Groans and Prayers, till such time as Mr. *Thomas Andrews*, Sheriff of the County, came to acquaint her, that she must go along him; she went along with a State, Countenance and Presence that was Majestical, with chearful Looks, and a Matron like, and modest Habit; her Head she cover'd with a Linnen Veil, which hung down to the Ground; her Beads hung at her Girdle, and she carry'd a Crucifix in her Hands. She was receiv'd at the Porch by the Earls above-nam'd, and other Persons of Distinction, where *Melvin*, her Servant, falling upon his Knees, and bursting into Tears, bewailed his Misfortune, that he should be the Person, who was to carry into *Scotland* the sorrowful News of the unhappy State of his Lady and Mistress; but the Queen comforted him, saying, 'Lament not but rather rejoyce, thou 'shall by and by see *Mary Stewart* free from

'all

'all her Care: Tell them that I dye constant 'in my Religion, and firm in my Fidelity 'and Affection to *Scotland* and *France*; God 'forgive them, who have thirsted after my 'Blood, as Harts do afrer the Water Brooks. 'Thou, O God, who art Truth it self, and 'truly and perfectly knowest the inward 'Thoughts of my Heart, knowest how much 'I have desired the Kingdoms of *England* 'and *Scotland* might be united into one. 'Commend me to my Son, and assure him 'that I have done nothing which may be 'prejudicial to the Kingdom of *Scotland*; 'admonish him to carry it fair and friend-'ly towards the Queen of *England*, and see 'that thou do him faithful Service.

The Tears now trickled down her Face, and she several times bid *Melvin* farewel, who wept as fast as the Queen: Then turning her self to the Noblemen, she desired that her Servants might be kindly us'd; that they might enjoy the Legacies she had bequeath'd them by her last Will and Testament; that they might stand by her at her Death; and that they might have Passes to go into their own Country. The former Requests they easily granted, but that they should stand by her at her Death, was what the Earl of *Kent* boggled at, for fear of some Superstition acted by them. 'Fear not, *said* '*the Queen*, these harmless Souls desire to 'take their last Leave of me; I know my 'Sister *Elizabeth* would not have deny'd me 'so small a Favour, that my Women should 'be nigh my Person, were there no other 'Reason for it, but the Honour and Decen-

'cy

'cy of the Female Sex: I am her near Kinſ-
'woman, deſcended from *Henry* VII. Queen
'Dowager of *France*, and now Queen of *Scot-*
'*land.*'

Having ſaid thus much and turned a little aſide, it was agreed at laſt, that ſuch of her Servants as ſhe ſhould name, ſhould be allowed to be by her; ſhe nominated *Melvin*, *Burgoin* her Phyſician, her Apothecary, Surgeon, two Waiting Women and ſome others, of whom *Melvin* held up her Train.

Now the Gentlemen, two Earls and Sheriff of the County going before her, ſhe came to the Scaffold, which was built at the upper end of the Hall, upon which they had a Chair, a Cuſhion and a Block, all cover'd with Black Cloth: As ſoon as ſhe ſate down and that Silence was commanded, *Beal* read the Warrant for her Execution; ſhe hearkn'd very attentively to it, yet ſo as if her Thoughts were taken up about ſomewhat elſe: Then Dr. *Fletcher*, Dean of *Peterborough*, ſpoke to her a great while, about the condition of her paſt, preſent and future Life; but ſhe interrupted him once or twice, and *pray'd him not to give himſelf any Trouble, proteſting that ſhe was firmly fix'd and reſolv'd to continue in the ancient Roman Catholick Religion, and for it was ready to ſhed the laſt drop of her Blood.* When the Dean preſs'd her to true Repentance, and to put her whole Truſt in Chriſt and an aſſured Faith; ſhe anſwer'd, *That ſhe was born, bred and now ready to dye in that Religion.* The Earls ſaid, *They would Pray with her*; to whom ſhe ſaid, *That ſhe would give them hearty thanks if they would Pray for her*; *but to joyn*, ſaid ſhe,

in

in Prayer with you, who are of another Profession would be to me a heinous Sin. Then they appointed the Dean to Pray, with whom while the Spectators that stood round about were Praying, she fell down upon her Knees, and holding the Crucifix before her in her Hands, she pray'd in *Latin* with her Servants out of the Office of the Virgin *Mary*.

When the Dean had ended his Prayer, the Queen in the *English* Tongue, recommended the Church, her Son and Queen *Elizabeth* to God, beseeching him to turn away his Wrath from this Island, and professing that she reposed her hopes of Salvation in the Blood of Christ, lifting up the Crucifix, she called upon the Cælestial Quire of Saints, to make Intercession to him for her: She forgave all her Enemies, and kissing the Crucifix, and signing her self with the Cross, she said, *As thy Arms, Oh Christ, were spread upon the Cross, so receive me with the stretcht out Arms of thy Mercy, and forgive my Sins.* Then the Executioners ask'd her Forgiveness, which she granted them: And when her Women had taken off her upper Garments (which she was eager and hasty to have done) wailing and lamenting all the while, she kissed them, and signing them with the Cross, she bad them, with a chearful Countenance, *Forbear their Womanish Lamentations, for now she should rest from all her Sorrows.*

In like manner turning to her Men Servants, who were also in Tears, she signed them with the Cross, and smiling, bid them Farewel. And now having cover'd her Face with a Linnen Handkerchief, and laying her self

ſelf down to the Block, ſhe recited that Pſalm *In thee, O Lord, do I truſt, let me never be confounded*; then ſtretching forth her Body, and repeating many times theſe Words, *Into thy Hands, O Lord, I commend my Spirit*; her Head was taken off at two Stroaks, the Dean crying out, *So let Queen* Elizabeth's *Enemies Periſh*; the Earl of *Kent* anſwer'd, *Amen*, and the People were ſighing and ſorrowing all the while. Her Body was Embalm'd, and afterwards Interr'd with a Royal Funeral Pomp in the Cathedral Church of *Peterborough*.

She dy'd in the Six and Thirtieth Year of her Age, and the Hair of her Head was obſerved to be very Grey, after ſhe had been a Priſoner in *England* about Eighteen Years.

All the Princes of *Europe* ſhew'd a Concern for her Death, and eſpecially the ignominious manner of it, wherein the Dignity of all Crown'd Heads was concern'd and ſtruck at; only that Crafty Pope *Sextus Quintus*, when he received the News, rejoyced, ſaying, *Oh happy Queen!. who durſt venture upon ſo bold and daring an Action, as to cut off a Crown'd Head.*

Queen *Elizabeth* her ſelf, was ſo far from glorying in or juſtifying the Fact, that ſhe made Apologies for it to the King of *Scots* and other Potentates, and endeavour'd to throw all the Odium of it upon poor Secretary *Daviſon*, who ſuffer'd a long Impriſonment, and underwent other Hardſhips upon that Account.

Near her Tomb this Epitaph was ſet up, but ſoon after taken away, without doubt by Order from above.

An

An EPITAPH.

MARY, *Queen of* Scots, *a King's Daughter; the King of* France's *Widow; the Queen of* England's *Kinswoman and next Heir; a Princess accomplish'd with Royal Vertues and a Royal Soul, having many times, (but in vain) demanded the Priviledges belonging to a Crown'd Head, is by Barbarous and Tyrannical Cruelty Extinct; who was the Ornament of our Age, and a Light truly Royal; and by one and the same wicked Sentence, is both* Mary *Queen of* Scots *doom'd to a Natural Death, and all surviving Kings, being as Common People, are subjected to a Civil Death; a new and unexampled kind of Tomb is here extant, wherein the Living are inclos'd with the Dead: For know, that with the Sacred Ashes of St.* Mary *here lies violate and prostrate the Majesty of all Kings and Princes: And because (Reader that Travellest this way) the inclos'd Remains of Royalty must sufficiently admonish Kings of their Duty: I say no more.*

My design was to close both the Volume and this Tryal with the Epitaph; but having since met with a Transcript of an Original Letter of Queen *Elizabeth* to Sir *Amias Pawlet*, communicated to me by a Friend of mine, which gives some farther light into this dark and knotty Affair, I have thought it proper to add it here, and the rather because neither the Celebrated *Cambden*, nor any other of our Historians, that I have seen, take any notice of it.

The

The Title of the Letter runs thus:

A Copy of a Letter written by the Queen's Majesty to Sir Amias Pawlet, *Kt.* And the Letter it ſelf is as follows:

Amias, *my moſt Faithful and Careful Servant,*

GOD reward thee trebblefold in the Double, for the moſt troubleſome Charge ſo well diſcharged. If you knew, my Amias, *how kindly, beſide moſt dutifully, my grateful Heart accepts and praiſeth your Spotleſs Endeavours and Faithful Actions, your wiſe Orders and ſafe Regard performed in ſo dangerous and crafty a Charge, it would eaſe your Travail, and rejoyce your Heart; in which I charge you carry this moſt inſtant Thought, that I cannot ballance in any Weight of my Judgement, the Value that I prize you at, and ſuppoſe no Treaſure can countervail ſuch a Faith, and ſhall condemn me in that fault, that yet I never committed, if I reward not ſuch Deſert; yea, let me lack when I moſt need it, if I acknowledge not ſuch a Merit,* Non omnibus datum. *Let your wicked Murderess know, how with hearty ſorrow her vile Deſert compels theſe Orders, and bid her from me ask God forgiveneſs, for her treacherous Dealing towards the Saver of her Life, many a Year to the intollerable Peril of her own: And yet not content with ſo many Forgiveneſſes, muſt fall again to ſo horrible ſurpaſſing a Woman's Thoughts, much leſs a Princeſs, inſtead of ex-*

cusing whereof, not yet being so plainly confess'd by the Author of my guiltless Death: Let Repentance take Place and let not the Fiend possess her so as better Part be lost; for which I pray with Hands lifted up to him that may both save and spill; with my loving Adue and Prayers for thy long Life.

Your most assured and loving Sovereign, as thereto by good Desert induced,

E. Regina.

To my Loving Amias.

There were Orders sent with this Letter about the Execution of the Queen of *Scots*, but the same being not extant, we cannot determine what they were. Its beyond all Dispute that the Queen was very desirous to have her put to Death, but used all the Womanish Artifices she could to throw the Odium of it upon others. She did not care who it fell upon, provided she got clear of it; first she try'd Sir *Amias Pawlet* and Sir *Drew Drury*, who had the Queen of *Scots* in their Custody; for thus *Davison* writes in his Apologetical Discourse to *Walsingham*.

'She

'She ask'd me whether I had received 'any Letter from *Pawlet*, whose Letter 'when I shew'd her, wherein he flatly re- 'fused to undertake that which stood not 'with his Honour and Justice; she grow- 'ing angry, accused him and others (who 'had bound themselves by the *Association*) 'of Perjury and Breach of their Vow, as 'those that had promised great Matters 'for their Prince's Safety, but would per- 'form Nothing; yet there are, said she, 'who will do it for my Sake. But I 'shewed her how dishonourable and un- 'just a thing that would be, and withal, 'into how many Dangers she would bring '*Pawlet* and *Drury* by it.

'For if she approv'd of the Fact, she 'would draw upon herself both Danger 'and Dishonour, not without Censure of In- 'justice, and if she disallow'd it, she would 'utterly undo Men of great Desert, and 'their whole Posterity.

Its very plain, that the Orders to *Pawlet* and *Drury* for the Execution, were not sufficient to justify them, if the Queen had a mind to throw the Matter off from herself; and that she would have done so, is more than probable by her subsequent Conduct towards *Davison*, who had her positive Orders to draw the Warrant, yet for expediting it to pass the Great Seal, and shewing it to some of the Council, was dis-

graced, fined and imprisoned, and by saving others, as indeed he ought to have done, from Ruin, unhappily, tho' undeservedly, fell into the Snare himself.

FINIS.

THE

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